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REDUCED TO ASHES

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The Insurgency and Human Rights in Punjab



Final Report: Volume One

Ram Narayan Kumar
with
Amrik Singh, Ashok Agrawal and Jaskaran Kaur

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For Committee for Coordination on Disappearances in Punjab

Reduced to Ashes: The Insurgency and Human Rights in Punjab
First published, May 2003

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PREFACE

This report on disappearances in Punjab is the first published piece in a massive and on-going undertaking by a small group of very committed scholars and activists. For more than two years, I have followed their work. At first, I wondered why they were returning to the seemingly settled events of the last decade when new and pressing conflicts threatened individual liberties and personal security in India and beyond. I was also skeptical about their ability to pierce through the thick veils of ideology, intrigue and "state security" that obscure our understanding of the campaign to pacify Punjab.

My initial skepticism was appeased by the careful methodology of the researchers. They systematically collected testimonies from across the region, transcribed them and invested hundreds of hours correlating these with public statements, documents, and officials records. I also acquired a better understanding of the many motivations that animated them: they were not taking sides in a conflict; they did not expect to change history or right a history of wrongs with a single report. Rather, they sought to empower the families of disappeared to reclaim their dignity, to press the institutions of the state to perform their obligations, and to lay the ground work for an honest retelling of a tragic part of recent history.

This would already be enough to legitimize the project. But current events in India and the world render the undertaking all the more relevant. When viewed in the light of police, court and crematoria records, the raw material of this report - the hundreds of testimonies - raise serious questions about the state's willingness to honestly address the problem of balancing justice and security. The testimonies tell a story of detainees cremated after their court ordered release, of "disappeared" policemen whose names are consistently forgotten, of high-level policemen who portray a simple story of good vs. evil. Even at a time when TADA reigned supreme, the few judicial niceties still required appeared to be too much for the forces of law and order.

Many of those who designed and implemented the policies in Punjab are still active today. They are treated as authorities on the subject of terrorism. At a time of renewed pressure on both courts and police to stop communal violence and prevent terrorism, this report should help enable a full discussion of the costs and benefits of previous action.

There are many kinds of human rights reports: There are reports that shame, reports that shock, and reports that inform. Some leave the reader stunned, some angry, and some simply confused or nonplussed. Can you trust the author? Is the information objective? Are biases exposed and discussed?

In this case, the reader needn't trust the good faith of the authors or agree with their stated or unstated opinions. The report presents massive evidence gathered from families and officials who participated and suffered in the struggles in Punjab.

The very presentation is a rebuke to the National Human Rights Commission that has advanced so little in the course of its investigation.

The sheer mass of testimonies makes it impossible to dismiss out of hand. If there are questions about their veracity, it is for the authorities to raise them now. If even some of the testimonies are true, then the official story must change: it is impossible to dismiss those who died as simply "terrorists." If the testimonies are substantially true, then the work of the NHRC and the courts has barely begun because there are glaring violations of rights to be addressed and responsibility to be apportioned.

The authors of this report have benefited from the moral support of many people over the years and the financial support of very few. They have made offices out of beds and the corners of rooms and turned nights into work days. A good report is a call to action. They will have succeeded if we, the readers, answer this call.

Peter Rosenblum
Clinical Director
Human Rights Program, Harvard Law School
Boston, MA, December 2002

INTRODUCTION

*I have no hope. In ten to fifteen years, we will also sit down and give up.
How much can we do?*

*-Paramjeet Kaur, wife of Jaswant S. Khalra
Disappeared 6 September 1995*

*Why doesn't the judiciary take any action against them? These judge-folks,
they know everything. They hear the pain in the voices of the victims and see
the honesty in their eyes. Yet they are helpless . . . it's been six-and-a-half-
years since I've been pushed around, and still I have no relief.*

*-Mohinder Singh, father of Jagraj Singh
Disappeared 14 January 1995*

Punjab, rather the truncated part of the province east of the Pakistani border that remained with India after the 1947 partition of the subcontinent, is a member state of the Indian Union. Totally landlocked, it covers 50,000 out of India's 3.3 million sq. kilometers of a diverse geography. Its population of approximately 22 million people is dominated by the Sikhs, a distinct religious community initiated by Guru Govind Singh in 1699. W. Owen Cole's dictionary of Sikhism defines a Sikh as "any person who believes in God; in the 10 Gurus; in their principal scripture known as *Guru Granth Sahib*; in the Khalsa initiation ceremony and who does not believe in the doctrinal system of any other religion."¹ Less than 2 per cent of India's one billion population, the Sikhs constitute more than 62.1 per cent of Punjab's approximately 22 million people.

Before the partition of 1947, Punjab used to be an overwhelmingly Muslim province. The communal partition of 1947 and the civil war in its wake, took a toll of 200,000 to half a million lives by various estimates. In less than four decades of that traumatic experience, the Sikhs witnessed another spell of a bloody political unrest. This unrest developed from the Sikh political agitation to obtain a radical measure of political devolution. By the middle of the 1980s the unrest became violently separatist and was ruthlessly crushed by the Indian government.

Reduced to Ashes: The Insurgency and Human Rights in Punjab is the final

¹ W. Owen Cole and Piara Singh Sambhi, *A Popular Dictionary of Sikhism*, Curzon Press, London, 1990

report of the Committee for Coordination on Disappearances in Punjab (CCDP), which focuses on human rights abuses that occurred in the period from 1984 to 1994. This report, as Peter Rosenblum suggests in the preface, is the "ground work for an honest retelling of a tragic part of history". It is an attempt to tell the truth about political killings, enforced disappearances, torture, arbitrary arrests and prolonged unlawful detentions that became the stock-in-trade of the anti-insurgency operations in Punjab. It reveals the complex denial by the state agencies and their defenders and the institutional participation in the scheme of impunity. It does not take sides on the political guilt or innocence of the victims; eschews rhetoric and, significantly, stays clear from the quicksands of political solutions. The report, however, lays bare the parallelism of the rhetoric of rights and the reality of extreme human rights abuses that bedevils the Indian democratic paradigm.

It may be asked why another report on Punjab? It could be justifiably argued that already much has been written about the abuse of human rights in Punjab and that by raking up all this once again we might jeopardise the process of "healing". But as we know, the silence of graveyard that obtains in Punjab today is not a reflection of peace. The enquiry being conducted by the National Human Rights Commission (NHRC), under the jurisdiction of the Supreme Court, in the disappearances and illegal cremations in Punjab, shows the deep social divisions that is endangering the prospects of justice and peace in the state. Every attempt to bring justice to the victims, reform the institutions in order to achieve transparency, structural equality and democracy has been frustrated by powerful persons linked with the pervious administration that perpetrated the horrible abuses in the mistaken belief of defending the integrity of the state. Their demand for amnesty has found support in the highest quarters of the Indian government. On 19 August 2001, the union home minister spoke at a function organized by the *Hind Samachar* group of newspapers at Jalandhar to announce that the government was "contemplating steps to provide legal protection and relief to the personnel of the security forces facing prosecution for alleged excesses during anti-insurgency operations" in Punjab, Kashmir and the north-eastern provinces of India. According to a report in *The Asian Age*, the Union Home Minister indicated "some form of general amnesty" and suggested that "forces deployed to combat terrorism anywhere in the country must be given special rights and powers". K. P. S. Gill, former director-general of Punjab police welcomed the move and, according to a story in *The Indian Express*, repeated his charge that the cases against police officers "were based on concocted evidence by the investigating agencies acting under undue and extra-constitutional pressures". The Home Minister's announcement was hailed also by the Communist Party of India (CPI) and the Congress party, which promised to "withdraw all the cases against the innocent cops" if voted to power. The subsequent state assembly elections in Punjab returned the Congress to power and its government in the state is led by Amrinder Singh, the scion of Patiala royalty who converted the issue of amnesty to police officials into an election pledge. It is in this context and the declared positions on impunity by both the state and the Union government that the NHRC will have to weigh the evidence of human rights crimes offered in this volume of the report before proceedings in the matter of abductions leading to illegal cremations by the Punjab police in Amritsar district

The decade of political violence has left behind a large number of victims who

are still seeking justice. These people are trapped in a web of fear, rumour and myth. They need to be released from the psychology of the victim-hood. But their journey from the bewilderment of shattered lives under a complex political conspiracy to a position of purposeful survival is not possible without the acknowledgment of what happened. The complex denial of truth not only serves the purpose of making atrocities invisible, it also makes the experiences of atrocities irrevocable. It also compromises the process of healing and keeps the state embedded in the culture of impunity. It is the most serious roadblock in the path of transition from conflict to sustainable peace, from repression to democracy. As N. J. Kritz has noted, "the assumption that individuals and groups that have been victims of hideous atrocities will simply forget about them or expunge their feelings without some form of accounting, some semblance of justice, is to leave in place the seeds of future conflict."²

The data contained in this volume shows troubling contributions to police impunity at all levels of the state and national government and judiciary. For example, the Central Bureau of Investigation (CBI), India's premier investigative agency, failed to seriously and properly investigate the matter of illegal cremations as entrusted to it by the Supreme Court in 1995. At the conclusion of their investigation, the CBI submitted three lists of identified, partially identified and unidentified cremations conducted by the police. These lists reveal several discrepancies. The CBI failed to identify persons it easily could have identified from complaints filed by victim families, interviews with them, police records, and press reports; it duplicated records and listed persons who had been cremated by their families, not by the police; and it failed to properly investigate the cremations of additional persons reported as having died in the same encounters and also the cremations of others listed under the same police reports. Thus, it did not go beyond the police records to examine the actual extent of illegal cremations in Amritsar district.

The report also shows how the police regularly and openly flouted legal procedures for arrest and search. The police failed to respond to families' requests for information regarding the abducted persons; they extorted money from victim families and they travelled outside of their jurisdiction to capture people. The volume documents the prevalence of custodial torture and traces the patterns of its use against family members, the police's destruction, expropriation or damage of property belonging to victim families and the complicity of the judiciary in ensuring impunity for custodial torture and death.

The defenders of impunity in Punjab have been vocal against the human rights litigation that seeks accountability and restitution of hideous abuses of power. On 8 June 2001, K. P. S. Gill published an article in the *Hindustan Times* titled "Man in Uniform Demands Justice". The article argued that "those who risked their lives in the defence of the State" are being subject to "a humiliating process of prosecution in a multiplicity of cases that were intentionally and maliciously lodged ... as a strategy of vendetta by the front organizations of the defeated terrorist movement". Gill asked: "How long will men continue to fight and to die for India, if no one in the country speaks for the men in uniform? Can the power of the state survive the

² Kritz, N. J., "Accountability of International Crime and Serious Violations of Fundamental Rights: Coming to terms with atrocities: A review of accountability mechanism for mass violations of human rights", *Law and Contemporary Problems*, fall, 1996

erosion of the confidence and authority of those who protect it?"

This rhetoric of morale and the national security is evidence of attempts to thwart the process of accountability. In his foreword to a book titled *Human Rights and the Indian Armed Forces*, Gill criticised the "systematic adoption of human rights litigation as a weapon against agencies of the State by criminals and by violent groups who themselves reject democracy and seek the overthrow of lawful and elected government". According to him: "An overwhelming proportion of public interest human rights litigation is today being initiated by front organizations of criminal conglomerates and of virulent underground terrorist movements in a systematic strategy to harass and paralyse security forces and the police."³

In this context it is important to note what the El Salvador Commission on Truth noted in the introduction of its 1993 report: "A situation of repeated criminal acts may arise in which different individuals act within the same institution in unmistakably similar ways independently of political ideology of the government and decision makers. This gives reason to believe that the institutions may indeed commit crimes, if clear-cut accusations are met with a cover-up by the institution to which the accused belonged and the institution is slow to act when investigations reveal who is responsible. In such circumstances, it is easy to succumb to the argument that repeated crimes mean that the the institution is to blame."⁴ Clearly it is necessary to prosecute such individuals who formulated, planned and organised grave human rights abuses in the name of national security. The Nuremberg Trial established this principle internationally.

A public knowledge of the truth is therefore necessary not only to release the victims from the past, it is also required for strengthening the legitimacy of the healing process initiated by a new regime for augmenting society's commitment to justice. Without acknowledgement of what has happened, the circle of impunity and injustice cannot be broken and the impartiality and independence of the judicial mechanisms -- trials and legal tribunals -- and the rule of law cannot be restored. Justice is both a means of ensuring accountability for grave human rights abuses and a preventive, deterrent mechanism.

Outline of the Report

Chapter One of the report, *Jaswant Singh Khalsa: A Martyr for Human Rights*, explains the origins of the CCDP's work and the early evidence of mass illegal cremations. It gives a narrative history of Punjab and its human rights inspirations, intertwining the family history of Jaswant Singh Khalsa, and ends with the details of his disappearance and the on-going trial of the accused officers.

Chapter Two of the report, *Impunity by All Means: Rights and the Dead-Ends of Law*, gives a description of the extent and depth of impunity for these human rights violations. The chapter provides an explanation of the need for a public discourse

³ Air Commodore Ran Vir Kumar & Group Captain B. P. Sharma, *Human Rights and the Indian Armed Forces: A Source Book*, Sterling Publishers, New Delhi, 1998, pp. xiv - xv

⁴ Report of the Commission on Truth, El Salvador, 1993. The Commission on Truth the 1980-1991 Internal Armed Conflict in El Salvador collected information from 2,000 primary sources referring to 7000 victims and information from secondary sources referring to over 20,000 victims of extra judicial killings, enforced disappearances, torture and hostage taking.

amidst the banning of the privately-established people's commission. Next, it gives a detailed examination of the legislative apparatus of counter-insurgency. Chapter Two also discusses the development and reorganization of the Punjab police during the counter-insurgency operations. This section reproduces an interview with a senior police official, describing the brutal details of the torture and death of a Sikh religious leader as well as the patterns and practices of police abuse. The chapter concludes with an in-depth factual and legal analysis of the on-going proceedings before the NHRC. This chapter demonstrates how all procedures of law in India have failed to address the violations of fundamental rights in Punjab and have contributed to police impunity.

While *Chapter Three* explains the methodology used by CCDP in its investigative work, *Chapter Four* analyses the data presented in this volume. It focuses on explaining trends and highlighting specific examples on the following issues: The characteristics of the investigation by the CBI; abuse of police powers; implications of the Terrorist and Disruptive Activities (Prevention) Act, 1987; use of custodial torture; role of Indian armed forces; violations of property rights; complicity of the lower judiciary; and the issues of medico-legal ethics.

Chapter Five presents specific information about the personal and political backgrounds of 672 victims and the circumstances in which the victims disappeared or were executed before being cremated by the police. All the cases draw from the CBI's lists being adjudicated before the NHRC and focus on Amritsar district alone - one out of 17 districts in Punjab. Although this matter of police abductions leading to illegal cremations was initiated six years ago before the NHRC, the commission unfortunately has failed to examine a single case of abuse. It has also not heard a single victim's testimony or deposition. The volume concludes with an Endnote: *Reflections and Recommendations*, as well as a collection of appendices.

The CCDP is also simultaneously launching its website: www.punjabjustice.org. This website not only includes the electronic version of the report, it also has a searchable database of the CBI's lists of illegally cremated victims, video interviews and documents that supplement the collection of materials in the report. We hope that the CCDP will subsequently release the second volume of its final report, presenting its investigative material on another 1,190 cases of extra-judicial executions or disappearances drawn from all of Punjab.

Goals

The victims of political violence are frequently neglected. The governing elite - the politicians, the bureaucracy and the military tend to forget them. This report is an attempt to make the victims visible. It lays bare their experiences, expectations and fears in the hope that they will be acknowledged and the violators punished. This is central to the moral recovery of the victims and the society as a whole. As J. P. Lederach points out, "by telling and hearing of these stories, we as a people will be able to validate the experiences and feelings of the victims, restore their dignity and assist them to re-enter society as equal partners".⁵ Truth telling is the foundation for

⁵ Lederach, J. P., *Building Peace: Sustainable Reconciliation in Divided Societies*, USIP, Washington D.C., 1997.

reconciliation of deep social and political divide. This work is being done by the truth and reconciliation commissions in many war-torn countries. This is the core of transitional justice. Experiences of the truth and reconciliation commissions worldwide underline the importance of truth telling for ensuring that impunity for violations are broken so that the aspiration of "never again" is realised and national reconciliation is achieved.

The goals of the South Asia Forum for Human Rights in bringing out this report are:

- To give the victims a voice by presenting their testimonies of human rights abuse;
- To strengthen the NHRC's efforts to move forward in the adjudication of issues and determination of facts within the mandate in this matter of police abductions leading to secret illegal cremations in Punjab, which it received from the Supreme Court in December 1996;
- To shift the discourse on human rights in Punjab from the rhetoric to an examination of the facts and the law;
- To create a national memory of mass atrocities based on verifiable records so that the victims and their deaths do not become obfuscated events;
- To encourage the human rights community and other victims of human rights abuses in India to develop a larger solidarity and the programmatic clarity for building a human rights culture based on justice;
- To ask the international community to intervene to encourage India to fulfil its obligations to protect fundamental human rights; and
- To define issues for further analysis and research.

Tapan Bose

THE MATTER OF POLICE ABDUCTIONS LEADING TO ILLEGAL CREMATIONS BEFORE THE NATIONAL HUMAN RIGHTS COMMISSION

- **16 January 1995:** Jaswant Singh Khalra, general secretary of the Akali Dal's human rights wing, and Jaspal Singh Dhillon released copies of official documents that showed that security agencies in Punjab had secretly cremated thousands of bodies after labelling them as "unidentified/ unclaimed". It was alleged that these were the bodies of those who had been abducted by the police and the other security forces deployed in Punjab and who had subsequently disappeared from such custody. The allegations were based on a survey of the number of missing persons in the district and an investigation of the records of three crematoria in Amritsar district - one of the 13 erstwhile districts in the state. The press release asserted that an investigation would reveal a similar state of affairs at other crematoria in the state. [See Appendix I]
- **January 1995:** Khalra's organisation filed a writ petition in the Punjab and Haryana High Court, asking for an investigation into the disappearances and the subsequent cremations. The high court dismissed the petition on grounds that it was "vague" and that the petitioner organisation lacked the *locus standi* for filing such a petition.
- **3 April 1995:** The Committee for Information and Initiative on Punjab (CIIP) moved the Supreme Court of India, in a writ petition under Article 32 of the Indian Constitution, to demand a comprehensive inquiry into the allegations of disappearances and subsequent, illegal cremations by the police in Punjab.
- **6 September 1995:** Armed commandoes of the Tarn Taran police, Amritsar district, abducted Khalra from outside his house.
- **7 September 1995:** At the behest of Mrs. Paramjit Kaur Khalra, the wife of Jaswant Singh Khalra, Mr. G.S. Tohra, the erstwhile president of the Sikh Gurudwara Prabandhak Committee (SGPC), sent telegrams to various people including one to Justice Kuldip Singh, the then sitting judge of the Supreme

Court of India, complaining about Khalra's abduction.

- **9 September 1995:** Paramjit Kaur filed a regular *habeas corpus* petition before the Supreme Court praying that Khalra be produced before the Court.
- **11 September 1995:** Justice Kuldip Singh of the Supreme Court treated the telegram from Mr. G.S. Tohra, received at his residence, as a petition for a writ of *habeas corpus* and directed notice of the petition to the state parties.
- **15 November 1995:** The Supreme Court directed the Central Bureau of Investigation (CBI), India's premier investigative agency, to enquire into Khalra's abduction and the facts contained in Khalra's press note of January 1995.
- **22 July 1996:** The CBI submitted an interim report disclosing 984 illegal cremations at a crematorium in Tarn Taran, Amritsar district, between 1984 to 1994. The Supreme Court directed the CBI to continue its investigations and ordered it to issue a notice to the public at large seeking assistance in its inquiry.
- **30 July 1996:** The CBI submitted a report stating that nine officers of the Punjab police, acting on the orders of senior superintendent of police (SSP) Ajit Singh Sandhu, were responsible for Khalra's abduction and disappearance. The Supreme Court directed the CBI to initiate their prosecution on charges of conspiracy and "kidnapping with intent to secretly and wrongfully confine a person".
- **9 December 1996:** The CBI submitted its fifth and final report to the Supreme Court on the issue of police abductions leading to illegal cremations.
- **11 December 1996:** At the request of the CBI, the Supreme Court ordered that the contents of the CBI report be kept secret, since further investigation had to be undertaken by the agency. The Court directed the CBI to undertake the investigation of all the cases that were required to be registered as a result of the final report.
- **12 December 1996:** The Supreme Court, in its order, recorded that the final report by the CBI disclosed that 2,097 illegal cremations were carried out by the security agencies in three crematoria of Amritsar district. The CBI claimed to have fully identified 582 of the bodies so cremated, partially identified 278 bodies so cremated and could not identify 1,238 bodies. The Supreme Court directed the National Human Rights Commission (NHRC) "to have the matter examined in accordance with the law and determine all the issue which are raised before the commission by the learned counsel for the parties". It made it clear that "Since the matter is going to be examined by the commission at the request of this Court, any compensation awarded shall be binding and payable." [See Appendix 5]
- **January 1997:** The NHRC asked all the parties appearing before it to make

preliminary submissions on "the scope and ambit" of the reference made to it by the Supreme Court and on the "capacity in which the commission functions", i.e. whether the commission was limited to the powers conferred upon it by the Protection of Human Rights Act, 1993, or whether it was, for the purposes of this reference, a *sui-generis* designate of the Supreme Court, with powers to adjudicate on the issues entrusted to it by the Court, without being fettered by the limitations contained in the act.

- **4 August 1997:** After hearing at length all the views placed before it, the NHRC, in a detailed order on the preliminary contentions, held that it was a *sui-generis* designate of the Supreme Court, appointed to carry out the Court's mandate, and vested with all of the powers of the said Court under Article 32 of the Indian Constitution. It also concluded that the Supreme Court had referred the whole matter to the Commission, with no territorial or other limits on the inquiry. On the same date, by a separate order on "Proceedings", the NHRC stated that in view of the large number of alleged cremations it would be appropriate to invite claims by public notice. After ascertaining the extent of culpability or negligence on the part of the state and its authorities, the basis for quantification of compensation could be formulated, the NHRC stated.
- **4 September 1997:** At the request of the Central government the NHRC stayed the conduct of the proceedings before it, to allow the Central government to challenge the 4 August 1996 order by the NHRC.
- **3 October 1997:** A 'clarification petition' was filed by the Union of India before the Supreme Court querying whether the 12 December 1996 order of the Court empowered the NHRC to function as a *sui-generis* designate of the Supreme Court, untrammelled by the provisions of the Protection of Human Rights Act, 1993. The application also challenged the NHRC's view that the Supreme Court's order of 12 December 1996 gave it unfettered jurisdiction to investigate human rights violations in Punjab. It was contended in the application that such an interpretation would result in "thousands of false claims".
- **10 September 1998:** The Supreme Court dismissed the Union government's clarification petition and upheld the NHRC's view of the mandate conferred upon it. The Court held, "In deciding the matters referred by this Court, the National Human Rights Commission is given a free hand and is not circumscribed by any conditions."
- **13 January 1999:** The NHRC passed an order on the 'scope' of the inquiry, confining its mandate to the alleged unlawful cremation of the 2,097 bodies in three crematoria in Amritsar district. It rejected the contention that the commission should take a more expansive view under which 'enforced disappearances', 'extra-judicial executions' and other allegations of human rights violations throughout the state would be investigated. The NHRC directed its office to publish public notices inviting claims from legal heirs in a prescribed form. The claimants were required to state on oath that their kin had been cremated at one

of the three cremation grounds in Amritsar district that had been investigated by the CBI. The notice also indicated that only the cases of persons who filed these claims would be taken up for consideration.

- **24 March 1999:** The NHRC dismissed the application of the CIIP seeking a review of the 13 January 1999 order. The commission held that it had adopted a two-pronged approach on the issue. One, to invite claims from members of the affected public and the other, to require the state of Punjab to explain each case of alleged illegal cremation in the crematoria of the three police districts of Amritsar.
- **5 August 1999:** The NHRC declined the CIIP's application for the disclosure and inspection of the reports of the CBI, containing the results of the investigation conducted by the CBI, on the ground that it might hamper "smooth investigation". Meanwhile, the notice issued by the commission in January 1999 had elicited 88 claims from the public. In its second order of the same date, the commission directed that copies of these claims be furnished to the state of Punjab, which would respond by categorising them into 'undisputed' and 'disputed' cases.
- **24 August 1999:** The CIIP applied to the Supreme Court for a clarification on the mandate conferred upon the NHRC by the Court's order of 12 December 1996. The application stressed that the illegal disposal of bodies was not confined to three cremation grounds in Amritsar, and that the starting point of the investigation has to be the allegation of disappearance. The CIIP also prayed for access to the CBI's report.
- **11 October 1999:** The Supreme Court rejected CIIP's application and held that it was not prepared to interfere with the proceedings being conducted before the NHRC at that stage.
- **Thereafter:** In an expression of disappointment with the turn of events, the CIIP withdrew from active participation in the proceedings before the NHRC. However, it continued to monitor the proceedings.
- **19 January 2000:** Based on a letter from the Punjab government, its counsel submitted before the NHRC his client's response to the 88 claim petitions received pursuant to the public notice issued by the NHRC. The Punjab government broke up the 88 claims as follows: In 23 claims it was stated that the body of the disappeared persons had been cremated in a cremation ground other than the three specified by the NHRC as falling within the purview of their inquiry in the matter. These were, therefore, not maintainable. It disputed 47 claims on several grounds, including for the reasons that these claimants had approached other fora for compensation or because these cases were being investigated by the CBI. In 18 cases, the Punjab government offered that it was prepared to pay Rs. 100,000 each as compensation without admitting liability and without going into the merits of the claims. Simultaneously, the Punjab government as-

serted that the burden of paying the compensation should be borne by the Central government.

- **18 August 2000:** The NHRC, apparently, endorsed the offer of the Punjab government to compensate the 18 families with Rs. 100,000 each (approximately US\$2,000) without admission of wrongdoing or prosecution of officials. The commission's order states, "For this conclusion it does not matter whether the custody was lawful or unlawful, or the exercise of power of control over the person was justified or not; and it is not necessary even to identify the individual offer or officers responsible/concerned." [See Appendix 6]
- **On reading** the 18 August 2000 order by the NHRC, the CIIP decided that it had to intervene and, as a first step, travelled throughout Punjab to meet the families of the 18 disappeared persons to elicit their views on the offer of compensation. All the families unanimously rejected the Punjab government's offer of compensation without determination of liability and stated so on affidavit.
- **31 January 2001:** The CIIP filed these affidavits before the NHRC, along with an application pointing out that the case before the commission could not be narrowed down to the claims received as, by the 19 January 1999 order, the commission had bound itself to investigate all the 2,097 cremations carried out at the three cremation grounds in Amritsar district.
- **15 February 2001:** The NHRC reaffirmed its commitment to investigate all the 2,097 cremations, thereby restoring the case to the position that obtained after the 13 January 1999 order.
- **20 March 2001:** The NHRC directed the CBI to furnish a three part list of the persons cremated: List 'A' consisting of fully identified persons, List 'B' consisting of partially identified persons, and List 'C' consisting of unidentified persons.
- **3 May 2001:** The CBI furnished copies of the three lists to the parties before the NHRC. The commission directed the CBI as well as the Punjab government to make available for inspection all of the material in their custody with respect to these cremations.
- **15 June 2001:** In a meeting held at the NHRC office, the Punjab government announced that all the records pertaining to the 2,097 cremations were in the CBI's custody and they, therefore, had nothing to produce by way of records for inspection.
- **23 July 2001:** Counsel for the CIIP, along with a member of the CIIP, inspected the records produced by the CBI. The inspection could not be completed on that date.
- **26 July 2001:** The CIIP continued with its inspection of the CBI's records, al-

beit under the close scrutiny of over 20 officials from the Punjab government and the Punjab police. Ostensibly, these officials were also present for inspecting the CBI records. However, their real purpose became clear when one of them objected to the CIIP being permitted to inspect a particular bundle of files. The assistant registrar of the commission present immediately stopped the CIIP's inspection.

- **8 October 2001:** A joint inspection was carried out under the supervision of R. Venkataramani, the *Amicus Curiae* appointed by the NHRC to assist it. This inspection made it clear that the record produced by the CBI would be of very little help for two reasons. First, because it was, mostly, illegible, and second, because the record produced was very sketchy. If this was, as claimed, the entire record seized by the CBI in the course of its investigations, it was indicative of the poor quality of the investigation done.
- **29 November 2001:** The NHRC called for submissions from the parties suggesting the "points of substance" (issues) to be framed for further proceedings confined, in the first instance, to the cases of the 582 identified cremations.
- **4 February 2002:** After hearing the parties and the *Amicus Curiae*, the NHRC framed four "issues" that "arise for consideration in respect of the fully identified bodies".
- **2 September 2002:** After a series of postponed hearings, the NHRC met to resume the proceedings. The Punjab government submitted an application asking for the reformulation of the "points of substance".
- **16 September 2002:** The Punjab government decided not to press its application for a review of the "points of substance" framed by the NHRC. The commission allowed the state government's prayer for permission to inspect the documents seized by the CBI and directed that after such an inspection, it should file affidavits with respect to each of the 582 "identified" cremations by 31 October 2002.
- There has not been any hearing in the case since. Justice Verma, the chairperson of the NHRC during 2000-2002, retired in January 2003. Justice A.S. Anand has taken over as the chairperson of the commission in mid-February 2003. Till the end of February 2003, the Punjab government had filed its affidavits in 102 cases of "identified" cremations.

CHAPTER ONE



JASWANT SINGH KHALRA: A MARTYR FOR HUMAN RIGHTS

PART ONE: EVIDENCE OF MASS ILLEGAL CREMATIONS

The Committee for Coordination on Disappearances in Punjab (CCDP) came into existence on 9 November 1997 with the following agenda:

- (a) To develop a voluntary mechanism to collect and collate information about the people who have disappeared from all over the state, and to ensure that the matter of police abductions leading to illegal cremation of dead bodies proceeds meaningfully and culminates in a just and satisfactory final order;
- (b) To evolve a workable system of state accountability, and to build pressure of public opinion to counter the bid for immunity;
- (c) To lobby for India to change its domestic laws in conformity with the UN instruments on torture, enforced disappearances, accountability, compensation to victims of abuse of power and other related matters;
- (d) To initiate a debate on vital issues of state power, its distribution, accountability and to work for a shared perspective on these matters with groups and movements all over India.

The CCDP and its agenda have their origin in the work done by Jaswant Singh Khalra, the general secretary of the Akali Dal's human rights wing. In the year 1995, Khalra worked to initiate the public interest litigation on what has come to be known as the matter of police abductions leading to secret cremations in Punjab. Khalra disappeared following his abduction by armed commandos of the Punjab police on 6 September 1995.

In January 1995, Khalra released some official documents claiming that the security agencies in Punjab had been secretly cremating thousands of bodies labeled as unidentified. Khalra suggested that most of these cremations were of those people picked up illegally by the Punjab police for interrogation about their links with the separatist movement that had plagued the state from 1984 to 1994. The evidence produced by him to substantiate these charges consisted of entries made in the firewood purchase registers maintained at three crematoria in Amritsar district when the police officials came with the bodies and purchased 300 kilograms of wood required to burn a single body. Khalra went with these records to the Punjab and Haryana High Court through a writ petition to ask for an independent investigation.¹ But the court dismissed the petition, remarking that the petitioner had no *locus standi* in the matter. This was an extraordinary ground for the high court

to dismiss a petition that revealed violations of fundamental human rights of so serious a nature and at such a wide scale.

In 1981, Justice P. N. Bhagawati of the Supreme Court of India defined public interest litigation as its strategic arm to bring justice “within the reach of the poor, vulnerable masses and helpless victims of injustice”.² Discussing the question of *locus standi* in public interest litigation, the Supreme Court has ruled that any citizen with sufficient knowledge and interest could claim standing in litigations undertaken for the purpose of redressing public injury, enforcing public duty or vindicating public interest.³ It is under this principle that the Supreme Court and the high courts have been treating even newspaper reports, letters and telegrams received from citizens on a diverse range of issues involving fundamental human rights as petitions under Article 32 and 226 of the Indian Constitution, which lay down clear obligations on the higher judiciary to protect and enforce respect for human rights.⁴ In a case known as the Judges’ Transfer Case, the Supreme Court had actually turned the doctrine of *locus standi* on its head by ruling that the public interest litigation required absence of personal interest.⁵ In *Sheela Barse Vs the State of Maharashtra*, arising from a journalist’s discovery of the sorry plight of a mental asylum inmates, the Supreme Court actually disallowed the petitioner from withdrawing the case by ruling that as she was not the injured party, the Court had to do a follow-up on the case till the rights of the victims had been fully restored.⁶ The dismissal of Khalra’s petition by the high court, against the established principles of public interest litigation, indicated the difficulties of applying the rationality of law and respect for facts in the face of political prejudice and the rhetoric of national interest that considered the issues of human rights in Punjab to be irrelevant.

Following the dismissal, I⁷, along with Khalra, traveled extensively in Amritsar to review and corroborate the evidence he had gathered. I talked to the attendants

¹ Criminal Writ Petition No. 990 of 1995.

² *S. P. Gupta Vs Union of India*, 1981 Supp. SCC 87 AIR 1982 SC 149.

³ *Forwarded Construction Vs Prabhat Mondal*, 1986 (1) SCC 100: AIR 1986 SC 39; *S. P. Gupta Vs Union of India*, Op. Ct.).

⁴ *D. C. Wadhwa Vs. State of Bihar*, AIR 1987 SC 579: 1987 (1) SCC 378; *Seonandan Paswan Vs. State of Bihar*, AIR 1987 SC 877: 1987 SCC (Cri) 82: 1987 (1) SCC 288: 1987 Cri LJ 793; *People’s Union for Democratic Rights Vs. Union of India*, 1982 (3) SCC 235; *Mukesh Advani Vs State of MP*, 1985 (3) SCC 162: 1985 SCC (L & S) 655; *State of Himachal Pradesh Vs. Parent*, SCC 169: AIR 1985 SC 910; *MC Mehta Vs. Union of India*, AIR 1985 (1) SCC 395; *Upendra Baxi Vs State of UP*, 1986 (2) SCC 146.

Article 32 (1) of the Indian Constitution says: (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed. (2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

Article 226 (1) says: Notwithstanding anything in Article 32, every high court shall have powers, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibitions, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

⁵ *P. Gupta Vs Union of India*, 1981 Supp. SCC 87 AIR 1982 SC 562.

⁶ *Sheela Barse Vs. State of Maharashtra*, AIR 1983 (SC) 378.

⁷ I refers to Ram Narayan Kumar

of the cremation grounds, the doctors who had conducted post-mortems and also the relatives of victims who furnished the necessary evidence to establish linkages between the disappearances and illegal cremations. The attendants of the cremation grounds told me that the police often bought firewood for one or two bodies but dumped many more on a single pyre. The chief medical officer (CMO) of a civil hospital in the district confessed that the procedure of post-mortem had been simplified to the extent that it meant no more than filling a paper announcing the cause and the time of death, with the policemen providing the information.

The CMO also gave gruesome details of Sarabjit Singh's post-mortem. On 30 October 1993, police officials brought the supposedly dead body of Sarabjit Singh to the hospital for a post-mortem. A doctor at the hospital found out that the man with a bullet injury to his head was still breathing. Thereafter, the police officers took the injured Sarabjit Singh away, came back with his corpse, and forced a different doctor to fill in the autopsy report. I was also able to interview many serving and retired police officers who, on condition of anonymity, provided detailed narratives of summary executions and illegal cremations as part of a strategy to weed out the Sikh separatist militancy.

On the basis of these investigations, the Committee for Information and Initiative on Punjab (CIIP) moved the Supreme Court to demand a comprehensive inquiry.⁸ Drawing the attention of the Court to the problem of "disappearances" in Punjab, the petition claimed that the Punjab police had carried out illegal cremation of thousands of "unidentified" bodies throughout the state.⁹ The petition went on to affirm that "over 3,000 families of the district of Amritsar alone have one or more 'disappearance' to report". To show what might have happened to them, the petition furnished the records of wood purchase made by the police officials at Durgiana Mandir and Patti cremation grounds of Amritsar district. The fourth paragraph of the petition said: "What is being talked about is the systematic and sustained policy of murder/extra-judicial execution and disposal of bodies by the police all over the state. These bodies were cremated as 'unidentified' not because their identities were not known or not knowable or because there was no one to claim the dead, but as a matter of deliberate policy."

The petition then pointed out that the Punjab Police Rules, under rule 25.38 of chapter XXV, clearly stipulated an elaborate procedure to be followed before cremating unidentified bodies. The rules of the Criminal Procedure Code (CrPC) also prescribed the course of action to be followed in case of death in any unnatural manner. The police had not followed these rules and procedures mandatory under the law. The petition concluded its substantive part by declaring that cremations explained only some "disappearances" since the reports about the recovery of bodies from all of the major and minor canals, published in several newspapers, showed that the police had been getting rid of the bodies through other ways too. The petition demanded a comprehensive inquiry also on the ground that the families of the people who had disappeared had the right to receive concrete information about the

⁸ *Committee for Information and Initiative on Punjab Vs the State of Punjab and others*, Writ Petition (Crl.) No. 447/95.

⁹ Para. 1 of the petition.

¹⁰ *Ibid.*

fate of their loved ones after the police illegally took them away.¹⁰

Following a preliminary hearing, the Supreme Court asked the CIIP to first establish a real connection between the complaints of police abductions and reports on illegal cremations. It was a difficult task since relatives of the victims did not know what happened after the police abducted the victims and their disappearance. However, the CIIP was able to file an affidavit of Baldev Singh that compellingly established the connections between the abductions, disappearances and secret disposal of bodies. The affidavit recounted the following experiences of a desperate father after the police abducted his son from a cinema hall in Amritsar city on 19 September 1990:

Sixty-five-year-old Baldev Singh from Amritsar had retired from 9 Punjab Regiment of the Indian Army after suffering serious injuries during the war with Pakistan in 1965, which he fought at Poonch sector in Jammu and Kashmir. Baldev Singh's eldest daughter Manjit Kaur had been India's star female weight-lifter, earning 19 gold medals. She had also represented India in many international events, including the Asian Games held in Beijing. His youngest son, 25-year-old Pragat Singh, earned his livelihood by running a dairy farm. The police began to harass him, picking him up for interrogation and torturing him in illegal custody. Unable to put up with the harassment, Pragat Singh ran away from home but was arrested on 19 September 1990 while he was watching a film along with his cousin Chayan Singh at Sandhu Talkies, a cinema hall in Amritsar.

On 5 November 1992, newspapers reported Pragat Singh's death in a supposed armed encounter with the police near Raja Sansi, a suburb of Amritsar. Baldev Singh spoke to an employee at the General Hospital in Amritsar where the post-mortem of the body had been conducted. The employee's description of the body matched Pragat Singh's.

Baldev Singh reached Durgiyana Mandir cremation ground just as the police lit the pyre. The head was already burning, but the rest of the body was still intact. Although Baldev Singh was allowed to carry the ashes for the last rites, the abduction and the illegal cremation of Pragat Singh remained officially unacknowledged. Baldev Singh's affidavit also said that his daughter Manjit Kaur was so traumatized by the incident that she decided never again to represent India in any competitive sport.

After receiving the affidavit, the Supreme Court admitted the petition and issued notice to the Punjab government.

The Abduction of Jaswant Singh Khalra

On 6 September 1995, around 9:20 a.m., armed commandos of the Punjab police kidnapped Jaswant Singh Khalra while he was washing his car, outside his home at 8, Kabir Park, Amritsar. Four of the abductors, who came in a blue-colored Maruti van, were wearing Punjab police uniforms and armed with automatic weapons. Rajiv Singh Randhawa, a local journalist and Khalra's friend, was visiting Khalra that morning and witnessed the abduction. The journalist identified three persons in a police jeep behind the blue van as deputy superintendent of police (DSP) Ashok Kumar, SHO Surinderpal Singh of the Sarhali police station and Prithipal Singh,

head constable of the Manochahal police station.

Jaswant Singh Khalra had for some time been receiving direct and indirect threats from the police officials of Amritsar district, particularly from Tarn Taran's senior superintendent of police (SSP) Ajit Singh Sandhu. The latter had warned that unless Khalra ceased his involvement in the matter, he would also become an unidentified body. Although Khalra's friends and associates, including then president of the Shiromani Gurudwara Prabandhak Committee (SGPC) and senior Akali leader Gurcharan Singh Tohra, advised him to leave the scene for a while, he refused to cower under threats and decided to continue with human rights work in his native region.

Rajiv Singh Randhwa, the eye-witness to Jaswant Singh Khalra's abduction, immediately telephoned Mrs. Paramjit Kaur Khalra, who worked as a librarian at the Guru Nanak Dev University in Amritsar, to inform her about it. On the way to the library, which is at five minutes of walking distance from her house, she had noticed a police vehicle parked at the end of the street by her house and had also recognized SHO Jasvir Singh of Manochahal police station and SHO Surinderpal Singh of Sarhali police station in Tarn Taran who were standing near the vehicle. After receiving the telephone call, Paramjit Kaur Khalra rushed home and together with Rajiv Singh Randhwa went to Islamabad police station to lodge a complaint about the abduction. The police refused to register her complaint. She then went to meet inspector-general of police (IG) D. R. Bhatti who promised to make inquiries. When Paramjit Kaur, accompanied by several sympathizers went to him again on September 7 morning, the IG claimed to have failed to obtain any information about her husband's abduction. Mrs. Khalra then went to the office of the SGPC¹¹ within the Golden Temple complex and met with its president Gurcharan Singh Tohra, who immediately sent a telegram addressed to Justice Kuldeep Singh of the Supreme Court.

Intervention by the Supreme Court

On 11 September 1995, Justice Kuldeep Singh passed an order to admit Tohra's telegram as a *habeas corpus* petition and issued notice to the officials of the Punjab government instructing them to either produce Jaswant Singh Khalra or account for his whereabouts within a week.

Amritsar's superintendent of police (SP) Sukhdev Singh Chhina filed an affidavit claiming that Khalra was not wanted in connection with any case and that the police had not arrested him. Other officials filed affidavits declaring that the Punjab authorities were making all efforts to trace Khalra. They also claimed that he might have become a victim of inter gang rivalries and a rival group of militants may have taken him away. SSP Ajit Singh Sandhu of Tarn Taran filed a statement denying that he had ever threatened Khalra. Meanwhile, Paramjit Kaur Khalra had also filed a regular petition for a writ of *habeas corpus*, giving a detailed description of the

¹¹ The SGPC, which controls the management and the liturgy of all of the historical Sikh shrines, is a powerful organization elected by all Sikhs as their religious parliament.

abduction on the basis of eye-witness accounts.

On 15 November 1995, Punjab's advocate-general requested the Court to hand over the investigation of Khalra's abduction and disappearance to the Central Bureau of Investigation (CBI) as the police inquiries were getting nowhere.¹² Accordingly, the Court directed the CBI to appoint an investigation team under a responsible officer. The Court also took note of the allegations regarding police abductions, disappearances and illegal cremations, made by Jaswant Singh Khalra in a press release dated 16 January 1995. In its 15 November 1995 order instituting these inquiries, Justice Kuldip Singh observed: "In case it is found that the facts stated in the press note are correct – even partially – it would be a gory-tale of human rights violations. It is horrifying to visualize that dead bodies of larger number of persons – allegedly thousands – could be cremated by the police unceremoniously with a label 'unidentified'. Our faith in democracy and rule of law assures us that nothing of the type can ever happen in this country but the allegations in the press note – horrendous as they are – need thorough investigation. We, therefore, direct the director, CBI to appoint a high powered team to investigate the facts contained in the press note dated 16 January, 1995. We direct all the concerned authorities of the State of Punjab including the DGP to render all assistance to the CBI in the investigation... The CBI shall complete the investigation regarding the kidnapping of Khalra within three months... So far as the second investigation is concerned, we do not fix any time limit but direct the CBI to file interim reports... after every three months."

It is important to notice that the Court's order did not set any limit to the inquiry; territorial, numerical or by the mode of disposal of corpses. It only talked about the gory tale of human rights violations, the horrendous allegations and the need to

¹² Equivalent of the Federal Bureau of Investigation in the USA, the CBI is the premier investigative agency created in 1963 under the Union home ministry. It comprises approximately 5,000 handpicked police officials from various police cadres in the country. An offshoot of the Delhi Special Police Establishment created by the British government during the second world war to investigate allegations of kickbacks and corruption connected with heavy defense purchases, the CBI remained an anti-corruption organization in its initial years. Later, it began to investigate offences relating to the Indian Penal Code specially notified by the Central government. As the National Crime Bureau, the CBI also coordinates with the International Criminal Police Organization [ICPO] more commonly known as Interpol and other international police agencies. The CBI also maintains the Central Forensic Science Laboratory, separate ballistic and polygraph divisions and the Central Fingerprints Bureau at Calcutta.

Given its reputation for high standards of efficiency, integrity and impartiality, the Supreme Court has been using the CBI to investigate high-profile and politically sensitive cases involving corruption in high places. The trend started with the investigation of the Bofors deal in 1990, initiated under Prime Minister V. P. Singh, under allegations that former Prime Minister Rajiv Gandhi and his close associates had received heavy kickbacks from the Swedish armament company. Other sensational cases investigated by the CBI include the case of bribing members of Parliament by Prime Minister Narasimha Rao, the St. Kitts case, Lakhubhai Pathak case also implicating Prime Minister Rao and the Jain Hawala case that incriminated a host of important politicians across party lines in accusations of receiving illegal funds from dubious sources.

Joginder Singh, a Sikh Indian Police Service [IPS] officer of Karnataka cadre, was the director of the CBI when the Supreme Court referred the matter of illegal cremations to the agency. Harbans Singh, *CBI File*, Roli Books International, New Delhi, 1987; Harbans Singh, *The CBI File-2*, Dehradun, 1989; Joginder Singh, *Without Fear or Favour: An Autobiography*, Kaveri Books, New Delhi, 1998; Joginder Singh, *Inside the CBI*, Chandrika Publications, New Delhi, 1999; Joginder Singh, *Outside the CBI*, Gyan Publishing House, New Delhi 1999.

investigate the facts contained in the press note. Following this order, fulfilling the plea for a comprehensive inquiry, the CIIP's petition 447/95 was also transferred to the same bench of the court under Justice Kuldip Singh. Hereafter, both the petitions were heard simultaneously.

On 22 July 1996, the CBI submitted an interim report disclosing 984 illegal cremations at Tarn Taran from 1984 to 1994. The CBI also asked for the court to order registration of three separate criminal cases against the police officials with respect to three deaths under suspicious circumstances. The Court ordered the CBI to register the cases. It also directed the investigative agency to issue a general notice to the public at large to assist in the inquiry. The Court's order dated 22 July 1996 said: "Since a large number of bodies have been allegedly disposed of by the police, it may be necessary to seek assistance from the public at large. We direct the CBI, in the course of enquiry to issue a general direction to the public at large that if any person/authority/government office has any information/material which may be of any assistance to the CBI in the enquiry in this matter, the same shall be placed before the CBI. We direct Mr. P. S. Sandhu, DIG (border) to hand over all the relevant records to the CBI immediately."

On 30 July 1996, the CBI submitted its report on Khalra's abduction and disappearance, holding nine officers of the Punjab police under SSP Ajit Singh Sandhu responsible. At the CBI's request, the Court directed their prosecution on charges of conspiracy and "kidnapping with intent to secretly and wrongfully confine a person". The Court also directed the chief secretary of Punjab to sanction their prosecution within three weeks of the order. The sanction order dated 19 August 1996 elucidated the CBI's findings that established the criminal conspiracy to abduct Jaswant Singh Khalra. The sanction order pointed out that on 24 October 1995, 48 days after his abduction, Khalra was seen in illegal detention at Kang police station, by one Kikkar Singh who was also detained there illegally. The sanction order mentioned that Kikkar Singh witnessed injuries on Khalra's body, the evidence of his custodial torture. It went on to say that Kikkar Singh helped Khalra eat before he was taken away from the Kang police station, never to be seen again. Kikkar Singh's illegal detention from 14 October to 11 November 1995, as elucidated in the governor's sanction order, was independently corroborated by an inquiry conducted by the chief judicial magistrate of Chandigarh, relied on by the High Court of Punjab and Haryana to grant him monetary compensation. The evidence on record in the governor's order of sanction confirmed serious offences under sections 302, 364, 346, 330, 331 and 120 of the Indian Penal Code (IPC).¹³ However, the offenders were arrested only under section 365 of IPC which is "kidnapping with the intent to secretly and wrongfully confine a person", a woefully insufficient charge in the face of evidence that proved kidnapping with the intent to murder, illegal confinement, custodial torture and custodial murder. Subsequently, former special police officer Kuldip Singh, who was attached to the Kang police station told the CBI that Khalra was tortured and then shot dead in the night of 24 October 1995. His body was dismembered and thrown in river Sutlej near

¹³ Governor's Order of Sanction, No. 11/237/96-3H(I)/Spl.942, dated 19 August 1996.

Hari Ke Pattan.

None of these facts, described in the sanction order and Kuldeep Singh's testimony, were known to the court, which had presumed Khalra to be alive, when it ordered the prosecution of the officials on 30 July 1996. On 7 August 1996, the court also directed the Punjab government to pay one million rupees as interim compensation to Mrs. Khalra. The court's order said: "The fact remains that the abductors are keeping Khalra away from his family since 6 September 1995. Kidnapping of a person whose family is totally in dark about his whereabouts – even about the fact whether he is alive or dead – is the worst crime against humanity. Under such circumstances, we direct the Punjab government to pay a sum of Rs. 10 lakh as interim compensation to Mrs. Paramjit Kaur, wife of Mr. Jaswant Singh Khalra. In case the police officers are convicted, the State of Punjab can recover the amount from the police officers..."¹⁴

The CBI launched a prosecution against SSP Ajit Singh Sandhu and others under section 365 of the IPC, i.e. "kidnapping with the intent to secretly and wrongfully confine a person", a balefully insufficient charge in the face of the evidence proving kidnapping with the intent to murder, illegal confinement and custodial torture. On 16 November 1996, the district and sessions court in Patiala released SSP Sandhu on bail.

On 10 December 1996, the CBI submitted its final and fifth report on the larger issue of police abductions and illegal disposal of the bodies. The Court decided to keep its full contents secret, as urged by the CBI officials on the ground that further investigations would be hampered by the publication of the report. However, the Court's 12 December 1996 order disclosed 2,098 illegal cremations including 582 fully identified, 278 partially identified and 1,238 unidentified, carried out by the state agencies at three crematoria of Amritsar district, one of Punjab's 17 districts. Presumably, the CBI obtained these figures by investigating the records the CIIP had furnished to substantiate its allegations. The Supreme Court observed that "the report discloses flagrant violation of human rights on a mass scale." Instructing the CBI to investigate criminal culpability and to submit a quarterly status report on its progress, the Court's 12 December 1996 order said: "We request the National Human Rights Commission (NHRC) through its chairman to have the matter examined in accordance with the law and determine all the issues which are raised before the NHRC by the learned counsel for the parties. Since the matter is going to be examined by the NHRC at the request of this Court, any compensation awarded shall be binding and payable."¹⁵

Six years have passed since the Supreme Court referred the matter to the NHRC. However, there has been no meaningful progress even as the CCDP tried, under considerable difficulties, to assist the NHRC in its task with its documentation work through the CIIP based in Delhi.

¹⁴ The Supreme Court of India, Court No. 2. Record of Proceedings, in the matter of W. P. (Crl.) 497 of 1996, *Paramjit Kaur Vs. State of Punjab and Ors.* Order dated 7 August 1996.

¹⁵ *Paramjit Kaur & Committee for Information & Initiative on Punjab, Vs. State of Punjab, Writ Petitions (Crl.) Nos. 497/95 and 447/95*, Order dated 12 December 1996.

PART TWO: NARRATIVE HISTORY OF PUNJAB AND HUMAN RIGHTS INSPIRATIONS

Before going into the six-year-long history of the proceedings before the National Human Rights Commission (NHRC), we shall interrupt the narrative to ruminate over some experiential and inspirational elements of Jaswant Singh Khalra's life that prompted him to sacrifice his life for the cause of justice and human rights in Punjab. The reflection, apart from being a tribute to his memory, should help the reader understand the historical context of the work undertaken by the Committee for Coordination on Disappearances in Punjab (CCDP). The biographical references are derived from our conversation with Khalra's parents, his wife, friends and associates.

Jaswant Singh Khalra was born in 1952 in Khalra village of Amritsar district, situated on India's border with Pakistan in a Punjab divided between the two countries at the time of the Independence in 1947. Khalra village was a part of the larger parish called Pathana that was divided between India and Pakistan. For the Sikhs, the village was very important because of a shrine believed to have been constructed by the first Sikh guru, Guru Nanak. Remnants of the shrine can still be found there.

The original Sikh inhabitants of the village claim their descent from a group of Sandhu Sikhs who, in 1714, had captured the region. They were members of the peasant militia of Banda Singh Bahadur, converted to Sikhism by the last Sikh guru, Guru Govind Singh, before his assassination in 1708. Banda Singh Bahadur led a peasant uprising in Punjab in the last seven years of his life to irreversibly destroy the façade of the Mughal empire already on a decline. An ancestor of the Khalra family, Sardar Surat Singh, was the leader of the group. A monument that commemorates his bravery and leadership is still exists in the village.

The Gadr Movement

Jaswant Singh's grandfather Harnam Singh had migrated to Shanghai before the outbreak of the first world war in 1914. There, he became involved with a group of Indian revolutionaries under Gurdit Singh, originally from Sarhali village in Amritsar district and the founder of a group called *Ghadr*, meaning revolt, that aimed to overthrow the British rule in India. Gurdit Singh was based in Singapore and was a confidant of Har Dayal who had escaped to the United States after making an abortive bid to assassinate Viceroy Hardinge on 23 December 1912 in Delhi. On that day, Delhi was witnessing a gala celebration to mark its new status as India's Capital city and the viceroy was riding an elephant in a commemorative parade when an acid bomb, thrown by a bystander, exploded against his saddle, killing an Indian attendant. Hardinge only suffered minor injuries. The assassins managed to escape.¹⁶

¹⁶ Richard J. Popplewell, *Intelligence and Imperial Defence: British Intelligence and the Defence of the Indian Empire, 1904-1924*, Frank Cass, London, 1995, pp. 80-81.

These revolutionary groups, that had begun to coordinate their strategies and operations in the wake of the movement to oppose Bengal's partition in 1905, were now taking inspiration from the radical political ideologies and anarchist movements in the western countries. One of their objectives was to use the racist propaganda and anti-immigration laws in Canada and North America to convert ordinary peasant Sikh immigrants from Punjab to join the anti-imperialist movement. Their apparent success required the government to reorganize its intelligence operations on a global scale, embracing India, Britain, several other countries in Europe, North America and the Far East. Punjab had taken an early lead in setting up a special branch in 1876 to receive and distribute secret information of political nature. The work from Punjab was very useful and allowed the government to monitor and curb political sedition without having to follow extensively repressive measures, of which the authorities were generally wary.¹⁷ As early as 1881, Viceroy Ripon wrote: "I hold as strongly as any man that we must be careful to maintain our military strength; but, whatever may have been the case in the past, we cannot now rely upon military force alone; and policy as well as justice, ought to prompt us to endeavour to govern more and more by means of, and in accordance with, that growing public opinion, which is beginning to show itself throughout the country."¹⁸

But violent unrest assumed serious proportions after the Bengal partition and required efficient handling. In those days, the police did not fake "encounters"; revolutionaries were deported. Even then the question of evidence, as the following letter from John Morley, the Secretary of State for India from 1905 to 1910, shows, was a matter of scrutiny: "...Of course, I know that you will take all possible pains not to seize wrong men... Your evidence which is to reach me soon, will be scanned by me with a sharp eye."¹⁹ In January 1910, the Bengal government asked the viceroy for permission to deport Noni Gopal Sengupta, whom the intelligence agencies had identified as the main terrorist, although the police had failed to catch him in the act. The Government of India replied that it did not regard deportation "as a proper and permissible substitute for good police administration".²⁰ Even to place a suspect under police surveillance, the government had to have enough evidence to justify the measure. In early 1909, the director of the Criminal Intelligence Department (CID) placed a well-known nationalist leader called Gopal Krishna Deodhar under surveillance when he went to the United Province. Deodhar was associated with Lala Lajpat Rai, a radical leader from Punjab involved in the anti-partition movement. When Deodhar complained, the local government sided with him on the ground that the CID did not have sufficient evidence to justify his surveillance,

¹⁷ Enclosures of a letter to the Secretary of State for India, No. 179, 15 Nov., 1887, "Memorandum on the Formation of an Intelligence Department under the Government of India", *Cross Papers*, IOLR Mss. Eur. E. 243/23; extract of a letter from Colonel Henderson, Superintendent of Thuggee and Dacoity to Secretary, Foreign Department, on the supposed interest taken by the Sikhs in Dulip Singh's movements, June 1887, *Cross Papers*, IOLR Mss. Eur. E. 243/22 – quoted in Richard J. Popplewell, *ibid.*, pp. 22-25.

¹⁸ Quoted in J. M. Brown, *Modern India: The Origins of an Asian Democracy*, OUP, 1985, p. 100

¹⁹ Mss. Eur. D. 573/84, Letter dated 8 December 1908, LOR:L.

²⁰ Note by the Home Department on Letter from the government of India, No. 91-p, dated 8 January 1910, HAD April 1910, nos. 59-62, quoted in Richard J. Popplewell, *ibid.*, p. 110.

which had to be withdrawn.²¹ The officials felt exasperated. One senior officer complained: “The criminal intelligence departments are frequently subjected to attacks both from friends and foes; on the one side for their failure to detect the central organization which is supposed to exist and, on the other, for alleged needless and excessive attention paid to imaginary and innocent suspects and to societies and religious organizations, which are ostensibly and professedly harmless... it is quite impossible to keep a watch over the individuals and institutions that must be watched, and yet avoid at all times the occurrence here and there of some vexatious action by blundering subordinates.”²²

Developments in Punjab, a strategic province because of its border with Afghanistan and the primary recruiting ground for the Indian Army, particularly alarmed the authorities.²³ Madan Lal Dhillon, who killed William Curzon Wylie in London, was a young lad from Punjab. He had been recruited for the task by Shyamji Krishnavarma, a wealthy merchant from Bombay who had come to Britain in 1897 to set up the Indian Home Rule Society. By 1909, three other prominent Indian revolutionaries, Bipin Chandra Pal, G. S. Khaparde and Vinayak Damodhar Savarkar were operating from London. All of them were openly advocating revolutionary uprising. The Director CID received reports that members of the India House were practising revolver shooting at a range near Tottenham Court Road and Dhillon himself had been seen at a practice session on the evening of the assassination.²⁴

The Sikhs who went to British Columbia and North America were getting involved in more fearful initiatives. After his failed attempt to assassinate Viceroy Hardinge, Har Dayal had escaped to North America to start a newspaper called *Ghadr* from San Francisco. David Patrie, Delhi representative of the Director of CID, called him the “presiding genius of the organization” and spent lot of time and effort to convince the authorities to take legal action against Har Dayal for his role in revolutionary conspiracies. The American authorities arrested him in February 1914. But Har Dayal jumped bail and fled to Switzerland. Soon, he would be parleying with the German government for support to the revolutionary cause in India.²⁵

Jaswant Singh Khalra’s grandfather Harnam Singh and Gurdit Singh began to work closely from the Far Eastern arena. In May 1914, both of them arrived at the port of Vancouver with 376 Sikh immigrants in a passenger ship called *Komagata Maru*. Immigrants were refused permission to land, and the ship was compelled to return to Calcutta, arriving there on 27 September 1914. The British government in India was keen to conciliate the Sikhs and proposed to send an officer to welcome

²¹ Notes in the Criminal Intelligence Department (CID), signed C. J. Stevenson-Moore, 22 March 1909, in discontinuance of police surveillance over Pundit Gopal Krishna Deodhar and modification in the procedure by which persons are placed under surveillance by orders from the director, CID, to the local criminal investigation department without reference to the local governments. HDB: Oct. 1909, nos. 167-8 in IOLR IOR.POS.8963; quoted in Richard J. Popplewell, *ibid*, p. 77.

²² Note by R. H. Craddock, 14 July 1914. HDD: July 1914 No. 34; quoted in Richard J. Popplewell, *ibid*, p. 83.

²³ Valentine Chirol, *Indian Unrest*, Macmillan, London 1910, p. 107, N. G. Barrier, *The Punjab Alienation of Land Bill of 1900*, Durham, NC, 1966, p. 59.

²⁴ Richard J. Popplewell, *ibid*, pp. 126-130.

²⁵ Indian on the Pacific Coast: Proceedings of Har Dayal in the United States of America. HDB: No. 1913, nos. 62-3 in IOLR IOR. POS. 9836, in Richard J. Popplewell, *ibid*, pp. 154-60.

them at Singapore and also to provide financial assistance to the destitute passengers. But the first world war had disrupted the voyage. When the ship reached Calcutta, a large group of police officers from Punjab, including David Patrie, were already there to meet them. As a gesture of goodwill, the officers did not search the ship in spite of the intelligence reports that there might be arms on board. The Sikh passengers were told that they would not face punishment and would receive financial assistance if they agreed to board a special train that would take them directly back to Punjab.²⁶

When the Sikhs refused and tried to leave the ship, they were forced back. The Ingress into India Ordinance, promulgated in September 1914, allowed the authorities to restrict the movements of anyone entering India. When the officers tried to identify Gurdit Singh and Harnam Singh who had organized the voyage from Singapore, many passengers got agitated and opened fire with revolvers, wounding Petrie and several others. At this point, troops came in to force the Sikhs into the train, but Gurdit Singh, Harnam Singh and 28 others managed to escape.²⁷ The incident and the subsequent intelligence operations revealed that the Ghadr organization planned to systematically send revolutionaries into India to incite disturbances, to carry out “violent deeds” of propaganda and to persuade Indian soldiers to rebel mutiny. Official estimates said that between 1,000 to 3,000 immigrants with active revolutionary connections had come into Punjab. According to Lieutenant-Governor Michael O’Dwyer, these revolutionaries were able to impart seditious sentiments to a large number of people in Punjab. He wrote: “I take it that early this year there were from 6,000 to 10,000 men in the Punjab, who given the arms, the direction and the opportunity, were ready to raise the standard of revolution.”²⁸

On 26 November 1914, the Ghadr revolutionaries made their first serious attempt to provoke a mutiny in the Army. Having won over some troops from the 23rd Cavalry, stationed at Amritsar, Ghadr revolutionaries marched to seize the magazine at Lahore. But their plans were leaked and all of them were arrested in a Lahore village. Another attempt at Ferozepur also failed, but a sub-inspector of police was killed. Soldiers of those regiments that had returned from the Far East were most susceptible to revolutionary ideas.²⁹ But their organization had been deeply penetrated, with close relatives of important revolutionaries themselves providing inside information to the authorities. On 19 February 1915, the police raided the Ghadr headquarters at Lahore and arrested 13 leaders of the organization along with their arms, bombs, bomb-making materials, revolutionary literature, and rebel flags.³⁰ Harnam Singh was one of them.

The government believed that the Ghadr Party had been formed in consultation with the German officials who wanted to instigate a rebellion in India even before

²⁶ Telegrams from Viceroy to Secretary of State, 2 Oct. 1914, CUL *Hardinge Papers*. Vol. 98. Richard J. Popplewell, *ibid* pp. 167-8.

²⁷ Telegram from the Viceroy to the Secretary of State, 1 Oct. 1914. CUL *Hardinge papers*, Vol. 88. Ker, *Political Trouble in India*, Reprint, Calcutta, 1973, pp. 239-42.

²⁸ Letter from O’Dwyer to Hardings, 8 Nov. 1915. CUL *Hardinge Papers*; Printed Letters and Telegrams, Vol. 90, p. 369.

²⁹ Ker, *ibid*, p. 367, Richard L. Popplewell, *ibid*, p. 172.

³⁰ O’Dwyer, *op. Cit.*, p. 202.

the first world war broke out.³¹ The attempts to provoke a mutiny in the Army really worried the British authorities. With only 73,500 British troops to control a population of 303 million people, according to the census of 1911, the government had to ensure that it did not have another mutiny like the one in 1857.³²

Harnam Singh was lodged in the Campbellpur jail, now in Pakistan. He was tried as an accused in the Lahore conspiracy case in 1915. Most of his co-accused, including Gurdit Singh, Sohan Singh Bhakna, Bhag Singh of Bhikhiwind, were Sikhs from Amritsar district. They were also the main leaders of the Ghadr movement. Harnam Singh was acquitted in the Lahore conspiracy case. But the government decided to keep him under surveillance and he was interned in his own house in Khalra village until 1922. But he was allowed to marry. It was during this period of Harnam Singh's internment in Khalra village that Jaswant Singh Khalra's father Kartar Singh was born in 1917.

Communal Movements and Kartar Singh

Harnam Singh's internment was revoked in 1922 and he managed to return to Shanghai and resume his revolutionary activities. Harnam Singh never returned to India. Sometimes, he used to send some money for his family's financial needs.

Kartar Singh had a tough childhood. The family had only four acres of land. The underground water was saline and the Upper Bari Doab Canal, that passed by the outskirts of the village, did not provide irrigation to Khalra village. Kartar Singh, his younger brother and their mother missed Harnam Singh. However, even as a young lad, Kartar Singh knew that his father was an important leader of the freedom struggle in India who maintained close rapport with revolutionaries in various parts of the world engaged in anti-imperialist struggle. Kartar Singh knew that the government would arrest his father if he returned to Punjab and it was important for the cause of India's freedom that he remained abroad.

But he missed him and life was hard. Without a father, he used to feel like an orphan. His mother, too, had to work hard. She kept two buffaloes and sold their milk to earn money. For food, Kartar Singh and his younger brother had to work the land, besides attending school.

Kartar Singh studied up to class seven in a school at Madi Megha village, six kilometers from Khalra. Then he joined the Arya Samaj School at Patti but Kartar Singh did not like the atmosphere in the school, that appeared communally biased against the Sikhs, their religion and culture.

Arya Samaj was a Hindu sect founded by Dayanand Saraswati in 1875. It had inherited the beliefs in the greatness of ancient Sanskrit culture from the 18th and early 19th century oriental scholarship pioneered by the English and other European scholars in India. Dayanand Saraswati, born in a wealthy Brahmin family in Morvi in Gujarat, believed that the religious works of popular devotional tradition ought to be actively discouraged. He was also a strong critic of "heterodox" schools of thought like Jainism, Buddhism and Sikhism. His book *Satyarth Prakash*,

³¹ Richard J. Popplewell, *ibid*, pp. 175.

³² Richard J. Popplewell, *ibid*, pp. 64-65.

published in 1875, attacked Guru Nanak as *dhurta* (rogue or charlatan). Dayanand called the Sikh holy book *mithya* (false) and Sikhism a *jal* (snare). The successors of Dayanand in Punjab intensified the tone of hostility against the Sikhs who had gained the status of a distinct religious community. During his first visit to Punjab in 1877-1878, Dayanand had used the rite of *shuddhi* (purification) to reclaim Christian converts from Sikhism as Hindus. After his death in October 1883, his successors began to direct their conversion campaigns at poor Sikhs who had originally come from untouchable Hindu castes. A public ceremony to purify 30 such Sikhs on 3 June 1900, sowed the seeds of tensions in the Hindu-Sikh relations that would only deteriorate with time.³³

At the Arya Samaj school, Kartar Singh could not tolerate the attitude of his teachers that seemed anti-Sikh and he decided to change his school. He was admitted to a Khalsa school in Sarhali where he studied for two years to pass his class X examination in 1936. Kartar Singh wanted to continue studying. However, he could not afford it and felt obligated to support his mother who had been working hard to pay for his schooling. Kartar Singh had to come back to his village.

Fortunately for him, his grandfather had been a prominent leader of the Singh Sabha Movement that had played a crucial part in reviving the monotheistic traditions of early Sikhism and combined the work of social mobilization with scholarly activities of collecting, editing and compiling the early Sikh literature and also in building Sikh educational institutions. Main leaders of the movement, like Ditt Singh, Gurmukh Singh and Kahan Singh, came from the lower strata of society and focused attention on the corruption within the Sikh religious institutions contrary to the strong egalitarian principles expounded by the Sikh gurus. Kartar Singh's grandfather was a member of the Chief Khalsa Diwan, a central organization that coordinated the activities of various Singh Sabhas. The Chief Khalsa Diwan was also involved with the issues of "safeguarding the political rights of the Sikhs", which became very important after the Government of India Act 1919 provided for the election of Indians to the imperial and provincial legislative councils from constituencies representing various communities and classes.³⁴ Under the Act, Muslims received a separate electorate as they had wanted. The Sikhs of Punjab did not receive the same benefits although not only did the Sikh political organizations ask for them, but the Lt. Governor of Punjab had also supported their claims.³⁵

³³ O. P. Kejariwal, *The Asiatic Society of Bengal and the Discovery of India's Past: 1784-1838*, Oxford University Press, Delhi, 1988; David Koff, *British Orientalism and the Bengal Renaissance*, Calcutta, 1969; Sushil Kumar De, *Bengali Literature in the Nineteenth Century: 1757-1857*, 2nd edition Calcutta, 1962; Raj Kumar, "Swami Dayanand's concept of the Indian Swaraj", and Nazer Singh, "A note on Swami Dayanand's way of reformation", Punjab History Conference (PHC), Twenty-second Session, 25-27 March 1988; J. T. F. Jordens, *Dayananda Saraswati, His life and Ideas*, Delhi, 1978; Ganda Singh, "The origin of the Hindu-Sikh tension in the Punjab", *The Punjab Past and Present (PPP)*, vol. XI, 1977, p. 326; Kenneth W. Jones, "The Arya Sikh relations, 1877-1905", *PPP*, vol. XI-II, October 1977, p. 332.

³⁴ G. S. Dhillon, "The Sikhs and the British", *PPP*, vol. XXIV-II, October 1990, pp. 430-4; Chief Khalsa Diwan, *Rules and Regulations of the Chief Khalsa Diwan*, Amritsar, 1904, p. 1; Kenneth W. Jones, "The Arya Sikh Relations", 1877-1905, *PPP*, Vol. XI-II, October 1977, p. 352.

³⁵ Arthur Berriedale Keith, *A Constitutional History of India, 1600-1935*, Reprint, Low Price Publications, Delhi 1990, p. 234; S. V. Desika Char, *Constitutional History of India, 1757-1947*, Oxford University Press, Delhi 1983, pp. 425-32; Khushwant Singh, *A History of the Sikhs*, vol. II, 1977, p. 219.

The Sikh claims had been ignored because, with their sense of identity remaining segmented on sectarian lines, they did not form a uniform community like the Muslims. The clerics in charge of their religious houses of worship, including the Golden Temple, belonged to the Sikh order called Udasi. Although the Udasis had maintained the Sikh institutions in the difficult period of persecution, material prosperity since Ranjit Singh's days had led to their moral turpitude. They treated the temple assets as their personal property and lived in comfort and indulgence. When they became old or died, their children took their place. To attract more worshipers and donations, Udasi abbots had also installed in their houses of worship idols of Hindu gods. The Sikh reformers had successfully prevailed on the managers of the Golden Temple to remove all Hindu idols from the temple's precincts in 1905. However, clerics of other important shrines continued to worship such idols along with the Sikh holy book. To appease high caste Hindu sentiments, Udasi abbots had also prohibited untouchables from entering the Sikh houses of worship. When the reformer Sikhs protested, they retaliated by refusing admission to them as well. Such practices made the Sikhs seem indistinguishable from the Hindus.³⁶

Enactment of the Anand Marriage Act in 1909 had shown that the British were willing to recognize the Sikhs as a separate religious community. However, without institutionalizing their religious uniqueness, the Sikhs could not hope to obtain political safeguards comparable to what the Muslim community had already received.

This recognition triggered the turbulent Sikh agitation called the Sikh Gurudwara Reform Movement in early 1920s. The Akali Dal was initially a voluntary forum of the Khalsa Sikhs set up to lead this agitation. It culminated with the enactment of a legislation called the Shiromani Gurudwara Prabandhak Committee (SGPC) Act in July 1925. The Act recognized that an elected body of the Khalsa Sikhs alone would qualify as the repository of genuine Sikh tradition. The legislation not only invested the SGPC with the authority to impose liturgical standards at the Sikh shrines, but also to control their management. The Hindus, who had lost their influence on them, bitterly protested against the new Act. Thus, the SGPC became a sort of Sikh parliament, and its central board, a government of the Sikhs. With considerable financial resources and control of religious pulpits, the SGPC and the Akali Dal have since remained the most important forums of Sikh politics.³⁷

The formation of the SGPC and the Akali Dal coincided with constitutional developments leading to the Government of India Act in 1935. This Act reserved 33 out of 175 seats in the Punjab assembly for the Sikhs. Although the award did not satisfy them, the Sikhs evidently had earned the status of a separate religious community.³⁸

When Kartar Singh returned to his village after his matriculation in 1936, he found

³⁶ Prem Uprety, "The Sikh disturbances of 1925", PPP, Vol. XIV, April 1978, p. 361; Rajiv A. Kapur, *Sikh Separatism*, Allen & Unwin, London, 1986, p. 118; John Maynard, "The Sikh Problem in the Punjab 1920-30", PPP, Vol. XII, April 1977, pp. 13-23.

³⁷ "The Sikh situation in the Punjab, 1907-1922", PPP, Vol. XIV, October 1978, p. 433; Mohinder Singh, "Official involvement in the Nankana Tragedy", PHC, Seventh Session, September 29-30, 1972, p. 190; An official document prepared by the Criminal Investigation Department and signed by V. M. Smith, Superintendent of Police, Political, on 22 February 1922, presents a detailed report on these developments: "The Akali Dal and Shiromani Gurudwara Prabandhak Committee, 1921-22: A Confidential Memorandum", reproduced in PPP, Vol. I-II, October 1967, pp. 266-310.

³⁸ S. V. Desika Char, *Readings in the Constitutional History of India*, OUP, Delhi 1983, pp. 553-4.

himself in a buoyant atmosphere of expectancy and hope. His grandfather raised the idea of building a Khalsa school in Khalra village and advised him to donate a part of his ancestral land for the purpose. A prominent nationalist leader, Attar Singh took up the idea and built the school. Kartar Singh was appointed as the secretary of the school committee but was working on honorary basis. Master Tara Singh, a prominent Sikh leader of the Akali Dal, came to be associated with the school management. Master Tara Singh helped Kartar Singh to find a job as a clerk at the SGPC headquarters inside the Golden Temple complex in Amritsar where he worked for two years. Meanwhile, the school at Khalra had become more organized and invited him to resume his position on a salary of Rs. 50 a month. This was not big money but was enough to meet basic needs. By then, Kartar Singh was already married to Mukhtiar Kaur.

Although Master Tara Singh helped Kartar Singh in getting a job with the SGPC, Kartar Singh did not like the Akali political orientation, particularly Tara Singh's anti-Muslim positions. Kartar Singh aligned himself more closely with the Congress party, became the secretary of its mandal or area committee and began working with Narain Singh Subhashpuri, a well-known Congress leader of the area. To Kartar Singh the atmosphere of communal tension in Punjab during that period was an offshoot of the elective principle becoming the basis for gaining representation in the government. Various communal leaders appealed to history to claim distinction over one's rivals and this was a common technique of their competitive political strategy that had such disastrous consequences on the future of Punjab. According to Kartar Singh, popular Hindu and Sikh leaders dwelt endlessly on the suffering of Hindus and Sikhs under the Muslim conquest and tried to aggravate popular resentments to consolidate their following. Muslims of Punjab also began to get irritated with the British administration for usurping their political power and now distributing it to the Hindus and the Sikhs to their disadvantage.

The expression of these resentments went beyond polemics to outbursts of physical violence and soon acquired a regular pattern marked by crude techniques of instigation. Muslims slaughtered cows, regarded by Hindus as holy, and the Hindus retaliated by putting pork, detested by Muslims as unholy, in mosques to stir up communal mayhem. Any other trivial provocation would serve the purpose just as well. Governor's situation reports from January 1939 to July 1939 show that the slaughter of cows and swine had triggered a dozen violent incidents within this period. British officials dealt with these problems by the book, with feelings of amused complacency, except when they threatened to escalate into big troubles. These outbursts of violence, known by the infamous name of communal riots, provided the backdrop for the momentous constitutional developments that led India to its independence attended with the bloody partition of Punjab in 1947.³⁹

Kartar Singh felt very disturbed about these developments and blamed the political immaturity of the Sikh leaders, particularly Tara Singh, for their inability to see the Congress game plan in getting them to fight the Muslim leadership and for refusing the British counsel to keep the unity of Punjab through a negotiated settlement about their rights and privileges in the state.⁴⁰ According to Kartar Singh, Tara Singh's personal background and his Hindu roots played an important part in

³⁹ Governor's Situation Reports and Punjab Fortnightly Reports, IOR:L/PJ/5/241-3; Memoir of a District Officer in the Punjab 1938-47, A.J.V. Arthus, ICS, Mss. Eur. F. 180/63, IOR:L, London.

making him susceptible to these manipulations. Tara Singh was born in 1885 in a pious Hindu family of considerable local influence at Haryal village in Rawalpindi district. He was christened as Nanak Chand and changed his name to Tara Singh after his conversion to Sikhism in 1902. Tara Singh became a school teacher in 1907 and was inducted into the Gurdwara Reform Movement in 1921 by the Congress leaders. Kartar Singh believes that Tara Singh was never able to wean himself away from the relationship of dependence on Hindu leaders that he had developed at the early stages of his political career. Later, Vallabhbhai Patel took him under his tutelage and succeeded in getting him to insist on a partition of Punjab by which the districts in which Hindus and Sikhs together formed a majority could be federated with India. The Congress leaders promised that they would not pen down such a Constitution of India that would be disagreeable to the Sikhs. Tara Singh agreed.⁴¹

Partition of Punjab

Mountbatten's proposal of partition was placed before the British Cabinet for approval in May 1947. Pethick Lawrence, the Secretary of State for India, conveyed the official position in a letter dated 9 May 1947: "Under your proposals they [the Sikhs] will be divided and I do not think that any subsequent adjustment of boundaries can possibly begin to satisfy the claims they put forward...But if you are satisfied that a Boundary Commission, with terms of reference such as will help to keep the Sikhs quiet until the transfer of power, can be set up without provoking the hostility of the two major communities, I shall be very ready to support your view." Thus, was the decision to partition Punjab taken.⁴²

According to Kartar Singh, it was an ignoble outcome of a noble struggle. It could not be averted as the decisions had been taken at the top level within a manipulative process where the people could not assert their will. The Congress leaders had talked about the unity of India, federalism, secularism and grass-roots democracy. But they betrayed these ideals on the eve of Independence. The Sikhs were in a very strong position in the united Punjab. Their voice counted in every sphere of life from politics, agriculture, economy to the military affairs. No vital decision at the governmental level could be taken without their approval. After the Partition, the Sikhs lost out not only because of their uprooting from prosperous canal colonies in west Punjab but also because they became politically insignificant in India. Their agitations did not move any one. They lost their separate electorate. The policy of reservations on the basis of caste, guaranteed by the Constitution of India, also worked against their interests. According to Kartar Singh, both M. K. Gandhi and Jawaharlal Nehru had taken a negative view of Sikh aspirations and their politics. From the beginning, they followed the policy of either suppressing them or misleading them. Although Kartar Singh had been an active member of the Congress party, he did not believe that Gandhi and Nehru would safeguard the Sikh interests.

⁴⁰ Note from Governor Punjab to Viceroy, 10 April 1947, on interview with Kartar Singh, MC, Mss. Eur. F. 200/139, IOR:L, London.

⁴¹ Lord Ismay's note to Mountbatten, dated 30 April 1947, MC, Mss. F. 200/121, IOR:L, London.

⁴² Private and Secret Letter from Secretary of State for India to His Excellency the Viceroy, dated 9 May

Kartar Singh felt more aggrieved by the Partition because of the damage it did to his village and its people. Khalra was predominantly Muslim, but there had never been any communal enmity within the village. All Muslims, Hindus and Sikhs, lived in harmony. There were approximately 1,500 residents in the village, out of which 1,000 were Muslims. Only some Muslim landlords were rich. The majority of Muslims were small peasants and artisans. The spirit of amity that bound all communities together began to evaporate following the decision to partition Punjab. It became obvious to all that Khalra would become a border village. No one knew whether it would go into Pakistan or remain in India. Large-scale movement of people from both sides had already started. The refugees from west Punjab came with their tales of woes and violence. Killing, arson, plunder, rape were the common strands of these stories. These stories began to vitiate the minds of the people. Hindus and some Sikhs began to think in terms of revenge. Soon, Hindus and Sikhs in the eastern parts of Punjab began to attack Muslims, committing the same acts of violence and brutality that the Hindu and Sikh refugees from the west had suffered. As the Muslim refugees from eastern Punjab, on their way to Pakistan, began to move through Khalra, the Muslim population of the village too got agitated.

The British government deployed the largely Muslim Baloch Regiment of the Indian Army to interfere in situations of mayhem and murder. But the Baluchi regiment helped the Muslims and was very hostile to the Sikhs. The area under four police stations in Patti sub-division, including Khalra, used to be administratively under Lahore. On 14 August 1947, the Muslims of the area were under the impression, and insisted, that the area belonged to Pakistan. The Sikhs and Hindus were getting ready to evacuate. Many Muslims of the village, who until then had been paragons of good neighborliness, began earmarking the properties of the Sikhs and the Hindus they would occupy when the latter left eastwards. While some of them began to incite violence, others even persuaded the evacuees who were pouring in from the eastern part to stay on out of the conviction that Khalra would become a part of Pakistan. In the end, however, the area under the four police stations remained in India. The scales turned to the advantage of Hindus and Sikhs who now began to get aggressive. The Indian military units arrived and soldiers of the Baluchi regiment were sent away. Muslim residents of the village panicked and began to flee. Many of them were killed by people who had been friendly and good neighbors all their lives. Fortunately, the border was close by and many managed to escape.

For Kartar Singh, the Partition was an unsettling experience and unforgettable even in his old age. He was also not able to rid himself of the thought that this should never have happened and would not have happened if the leaders at the top level had not been so greedy and impatient for political power. His father had been an uncompromising revolutionary against the British imperialism. But when the freedom came, Kartar Singh wished that the transfer of power had not been so hasty and mindless. In his opinion, India's freedom became Punjab's bane. The border, the military, the wars and now the fencing of the land, cumulatively and separately, negated his inner imagery of freedom and independence. From his perspective, it had been just Punjabis against Punjabis all through. Every time, India and Pakistan went to war, Kartar Singh and all others in the village had to move away with all their belongings. Now, after the fencing of the border villages, Kartar Singh and many others in Khalra village could not even approach their land, across the barbed,

electrified wires, without obtaining special permission from the Border Security Force (BSF). All farmers with land along the fencing had to obtain special permission to work on their farms, and could do so only for certain hours in the daylight.

Kartar Singh became disenchanted with the Congress party very early. He stopped taking part in political activities and in 1961, after the government took over his school in Khalra village, also stopped voting for the party. The last straw was the Indian government's decision to ask to submit all kinds of statements and documentary evidence to establish that his father had been a freedom fighter. The demand came when the Punjab government in 1975 chose to renew pensions to widows of prominent freedom fighters and to honor their families by presenting them with a brass plaque as a memento. By then Jaswant Singh Khalra was 23-years-old and a college student. He was too proud of his grandfather and the legacy of his revolutionary life to digest such an affront for the sake of some money and a souvenir. Jaswant Singh advised his father not only to refuse to participate, but also to return the pension the government had been giving his grandmother. Jaswant Singh said that his grandfather's freedom struggle had gone in vain and the family should not degrade his thwarted ideals by receiving a dole from the Government of India in his name. Kartar Singh agreed and refused to receive the honor and the pension.

Formative Years of Jaswant Singh Khalra

Jaswant Singh was born in 1952, the year when Punjab witnessed its first general elections under the Constitution with which many Sikh leaders were very unhappy. Jaswant Singh had three elder brothers, Rajinder Singh, Amarjit Singh and Gurdev Singh. The first two settled in England. Gurdev Singh later migrated to Austria where he settled down in Vienna city. Jaswant Singh also had five sisters. All of them were married to local farmers.⁴³

The formative years of Jaswant Singh's life in Punjab were marked by the virulent political conflict between the Akali Dal and the Union government over the Akali demand for the reorganization of the state to make it linguistically homogeneous. The Akali Dal wanted division of the territory by linguistic homogeneity, into separate Punjabi and Hindi speaking States. The Union government under Jawaharlal Nehru's premiership declared itself to be against the demand. The Linguistic Provinces Commission, appointed to advise the Constituent Assembly on the reorganization of the provinces, submitted its report in December 1948 arguing against the proposal. As the agitation for organization of linguistically homogeneous provinces gained momentum throughout India, the government appointed yet another commission in December 1953 to examine the issue. Its report, submitted in 1955, once again rejected the Sikh demand, although it agreed to such demands from other linguistic regions. For the next decade-and-a-half, the Akali Dal waged sporadic and, at times, intense agitations for the creation of a Punjabi

⁴³ Statements of Paramjit Kaur, w/o Jaswant Singh Khalra, r/o 8 Kabir park under police station Islamabad, recorded by DSP P. L. Meena of the CBI on 2 January 1996 under section 161 of the CR. P. C, and of Kartar Singh, son of Harnam Singh, village Khalra in Amritsar recorded on 1 February

speaking state. The Hindu organizations in Punjab opposed the Sikh demand by disowning Punjabi as their mother tongue and registering Hindi to be their language instead. The idea was to give a majority to the Hindi speaking people in the state. Nehru told the Parliament that he would not concede the Sikh demand even if the Sikhs launched a civil war. Nehru had become the Prime Minister, as Gandhi's protegee, by skillfully employing his nationalistic charisma. Once in power, he viewed himself as the last British viceroy and ruled India in the authoritarian tradition with no patience for the politics of 'small-loyalties'.⁴⁴

Nehru died in May 1964, two years after India's humiliating military defeat at the hands of the Chinese. The Congress chief minister of Punjab, Pratap Singh Kairon, who was also a staunch critic of the Sikh agitation, resigned from office a month later when a commission of inquiry indicted him on charges of corruption. Eight months later, Kairon fell to the bullets of an unidentified assassin when he was traveling from Delhi to Chandigarh in his car.⁴⁵

An imminent war with Pakistan in 1965 made the Central government conscious of the fact that the Sikh soldiers were disaffected by its antagonistic relations with the Sikh leaders. To buy their cooperation, it promised that it would soon create a Punjabi speaking state.

At the end of the war, the government separated the Hindi speaking areas of the province to come under a new state of Haryana. Himachal Pradesh took the hilly regions of Punjab on the foothills of the Shivalik range. Chandigarh became a Union territory and the joint capital for the new states of Punjab and Haryana. The State of Punjab with an area of 50, 255 sq. kilometers, created in September 1966, had a population of 14 million out of which 55.48 per cent were Sikhs.

Before 1947, Sikhs had formed 15 per cent of the total population of undivided Punjab against 55 per cent of Muslims and 30 per cent of Hindus. Forced migration of Muslims from east Punjab to Pakistan and the influx of Sikh refugees from west Punjab changed the demographic character of the state after the Partition. They comprised of 40 per cent of the population in the Indian Punjab. With the creation of a Punjabi speaking state, their number rose to roughly 60 per cent. If the government had honestly applied the criterion of linguistic homogeneity to reorganize Punjab, the population of the new Punjab would have remained predominantly Hindu. Many districts of Punjab like Ambala and Karnal, which went to Haryana, and the hilly sub-division of Hoshiarpur and Gurdaspur districts, which were taken over by Himachal Pradesh, were Punjabi speaking. However, the Hindu organizations had campaigned from 1951 onwards and had succeeded in persuading most Punjabi speaking Hindus to register their mother tongue as Hindi. It was this mischief that now boomeranged on them. The linguistic reorganization of the state became its communal truncation. In the democratic game of numbers, the Sikh position in Punjab appeared to have become viable for the first time.⁴⁶ Instead of reconciling themselves, the Hindu political groups led by the Jana Sangh, which is now known as the Bharatiya Janata Party (BJP), chose to agitate against the formation of the Punjabi speaking state. Yagya Dutt Sharma, a prominent Jana Sangh leader from

⁴⁴ Stanley Wolpert, *Nehru: A Tryst with Destiny*, Booknotes Transcript, - <http://www.booknotes.org/transcripts/50133.htm> page 11 of 21.

⁴⁵ Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Origin, Evolution and Present Phase*, Chanakya Publications, Delhi, 1991, pp. 177-183.

Amritsar, went on a “fast unto death” from 9 March 1966, to seek the annulment of the decision. Public processions, picketing of government offices and protest demonstrations organized by various groups in several cities of Punjab turned violent. In Haryana, many Sikhs were attacked and killed. A commission of inquiry formed by the Bar Association of India indicted the Punjab authorities for using force to contain the Hindu agitators in the state from engaging in violence and arson. The inquiry commission, led by three former judges of Indian high courts, also appeared to be strongly critical of the decision to permit the Punjabi Suba. The position did not help the Hindu-Sikh relations within the new state of Punjab.⁴⁷

The Sikh public opinion too seemed dissatisfied with the kind of state the Union government had given them. Many of their leaders complained that large tracts of Punjabi speaking areas had gone over to Haryana and Himachal Pradesh; that Chandigarh, that had been built as Punjab’s capital, had become a Union territory and that the Central government had usurped its right to manage its river water irrigation. In two consecutive elections to the state assembly, the Akali Dal romped home with a sufficient number of seats to form coalition governments with Hindu political parties.

These coalitions proved untenable. The Hindu partners of the coalition continued to govern as arch antagonists of the Akali Dal. The Congress party had an easy time pulling them down by organizing defections from the Akali legislative groups. The rank and file of the party became disillusioned. The impression gained ground that the coalition governments formed by the Akali Dal would always exhaust themselves against the subversive manipulations of an unfriendly Center. The formation of governments in the state by the Akali Dal had produced only one important outcome: Its leaders had begun betraying the objectives they had championed for decades. The power that they wielded in the government was far from being absolute. The mirage of power had, however, corrupted them absolutely.⁴⁸

⁴⁶ Ram Narayan Kumar, Georg Sieberer, *The Sikh Struggle*, Delhi, 1991, pp.182-186. Manipulation of the census by the communal groups has a long tradition in Punjab. The following are excerpts from a report of the governor of Punjab on the census returns of 1941: “There have been general complaints of intentional omissions and artificial inflations and I am afraid that...little reliance can be placed on the returns actually made. Hindus, Muslims and Sikhs are equally to blame...The Deputy Commissioner of Montgomery, for instance reported that among his own servants a mistake of 30 years was made in the Ayah’s age; his chauffeur, a Pashtu speaking Pathan from Kohat, was recorded as speaking Urdu and born in Quetta; his bearer who can speak nothing but Punjabi, was recorded as Urdu speaking and his Bengali cook was omitted altogether...” Governor’s Report, d. O. No. 330-F.L., Dated 17 March 1941, P&J/243/IOR:L.

⁴⁷ *Report of the Commission of Enquiry on Alleged Police Excesses in Punjab during anti-Suba Agitation in March 1966*, Bar Association of India, 1966; Chairman of the Commission, Dr. C. B. Agarwala, Members of the Commission, Sri Arjoo Prasad and Sri Ram Lubhaya Oberoi.

⁴⁸ Ram Narayan Kumar & George Sieberer, *ibid*, pp. 171-193. The Akali compulsion to form coalition governments is immanent in the demographic character of the reorganized Punjab: Political power has to be shared by the representatives of two dominant communities in proportion to their numerical strength. Although, the percentage of votes which the Akali Dal secured in 1967 had significantly gone up in comparison to what it had got in the third general elections in 1962 – 24.1 per cent in 1967 against 11.9 per cent in 1962 - it could secure only 26 seats in the state assembly whose total strength was 104. In the second legislative assembly elections held in February 1969, although the Akali Dal improved its strength by securing 43 seats and becoming the single largest party, it still did not have an absolute majority to form a government without a coalition partner. The situation had not changed substantially in 1977 when the Akali Dal won 58 seats in the assembly of 117 members. David Butler, Ashok Laiji and Pranoy Roy, *Living Media India Lt*, New Delhi, second edition, 1991, p. 237.

Khalra's Early Political Activities

Jaswant Singh Khalra grew up in this environment of political effervescence, uncertainties and disillusionment. His family of five sisters and four brothers, including Jaswant Singh, depended on his father's salary. Their mother looked after four buffaloes and sold their milk for some extra income. Even then means were limited and the children never had pocket money. Everything was very basic; their clothes, their food. But Kartar Singh wanted all of them to be educated. Jaswant Singh went to the primary school at Khalra village which had been established by his father. He was bright, very vocal and good in studies. But he also had to help his mother tend buffalos and procure their fodder. Jaswant Singh passed his matriculation examination in 1969, three years after the formation of the Punjabi state and then joined the Bir Baba Buddha College at Jhabal, 30 kilometers from his village. He traveled to his college every day in a bus since his father could not afford to pay for his hostel. In the next few years, he became very active in the students' politics based on strong Left-wing ideas.

Right from the beginning, the atmosphere at home was saturated with politics. His father, although a poor teacher was widely respected in the area and many influential politicians including the former Vice-President of India, Krishna Kant, thronged to him for advice. Krishna Kant's father Lala Achint Ram, who had his residence in village Kot Mohammed Khan in Tarn Taran sub-division of Amritsar district, had been a close friend since his early Congress days. Jaswant Singh's father also hosted Vinoba Bhave when he came to Khalra village on his campaign to promote voluntary redistribution of land from the rich to the poor. Many Left-wing radicals known to Kartar Singh, had made a common cause with Vinoba Bhave's idealistic campaign which never really achieved results. The atmosphere of intense political discussions at home and the frantic pace of political developments in Punjab and the rest of India shaped Jaswant's early political orientations. By the time he joined college at Jhabal, Jaswant Singh Khalra called himself a "scientific socialist" and became the instigator of several small agitations directed against corruption, abuse of authority and the avarice of trading classes. Still fresh in the college, Jaswant organized a police raid of a fertilizers and pesticides shop subsidized by the government, whose owner sold everything in the black-market. The action annoyed some of his father's friends who were thriving on political patronage. Jaswant Singh also organized several small agitations against police officials who abused their positions of power to harass small, indigent people. Once, he organized the picketing of Khalra police station whose SHO had molested a woman belonging to a low caste.

In Bir Baba Buddha College at Jhabal, Jaswant became the spokesperson for the Punjab Students Union, a Left-wing group influenced by the radical Left-thinking as it evolved in Bengal's Naxalbari region in early 1960s.

In 1972, Jaswant Singh led successful students strike in the whole of Punjab that started frivolously to protest against an increase in ticket prices in private cinema halls. Students all over Punjab resented the price rise as cinema was their main source of their entertainment. While leading a students protest march in front of a cinema hall in Jhabal, Jaswant was told by the cinema manager that the government had forced the rise by increasing the entertainment tax on all cinema halls, Jaswant

converted a minor local nuisance into a powerful students' agitation throughout the state. More substantial issues were added to the agenda later. The agitation, spread over the whole of Punjab, alerted the state government leading to Jaswant's arrest for the first time.

Jaswant graduated in 1973 and returned to his village where he opened a library and the office of a new organization called Naujawan Bharat Sabha or Youth Association. The Association was aligned to the Left revolutionary group led by Nagi Reddi, who proposed a radical revision of the methods associated with the so-called "Chinese Path" to embrace a more constitutional approach to mass-mobilization of India's 'have-nots', particularly the poorer sections of the peasantry. Nagi Reddi, an old Left revolutionary leader from Andhra Pradesh, was a strong opponent of the theory of 'annihilation of the class enemy' propounded by his Bengali colleague Charu Mazumdar. Reddi also opposed the popular slogan that "China's Chairman is our Chairman" and became the harbinger of a more localized approach to agrarian revolution in India. Nagi Reddi was attacked by more radical groups within the Left-underground as a revisionist. In Punjab, Naggi Reddi had the following of a section of radical communists who worked with Harbhajan Sohi who also inspired Jaswant Singh to join the Naujawan Bharat Sabha. The high point of Khalra's association with this group was the organization of a 10,000 strong demonstration at Moga in 1974. After some years of association with this group, Jaswant joined the International Democratic Party, led by R. P. Saraf, that categorically abjured violent methods and advocated non-violent resistance as the only permissible approach to challenge the injustices perpetrated on the people by the established political order. Jaswant was still groping for a clear perspective on the issues germane to the people and politics in Punjab.

Jaswant's father was worried about his son's future. After graduation, Jaswant could have tried to join the Indian Civil Service, but he was not interested. Politics was his passion. Kartar Singh told him: "Jaswant, if you want to become a leader or want to achieve something through politics, you will have to jettison these exotic Communist groups and sneak into the Akali Dal or the Congress party. Only then you can come forward." The counsel had no impact. Jaswant wanted to follow the path of truth and revolution. He could not compromise with the Akali or the Congress leaders whom he viewed as opportunists and charlatans with no principles and no commitments other than gaining political power for personal advantage. It is only in the later years of unrelenting state atrocities that Jaswant would develop a rapport with those Akali leaders who maintained close affinity with the victim families. Kartar Singh then tried to interest his son in starting a private business, anything from bee-keeping to running a dairy farm. Jaswant Singh agreed but took no initiative. Once, Kartar Singh became very angry and told Jaswant not to talk of radical politics and struggles for justice until he became financially self-sufficient. As a father, he had spent his scarce resources educating him. It was Jaswant's duty to support the family now.

This dressing down had an impact. Soon afterward, in 1974, Jaswant Singh Khalra became the secretary for village councils in Punjab, known as panchayat secretary. This was a government job that allowed him to closely associate with the issues of development at the village level. The position also gave him an opportunity to regularly interact with politically active and ambitious sections of the rural

community throughout Punjab. Within a few years of joining the service, Jaswant formed a state level union of panchayat secretaries and became its first general secretary. Even though the senior government officials did not want him to politicize the department, Jaswant was not to be daunted and went on to launch a strike on the issues of rampant corruption and lack of accountability within the department. The big bosses did not take kindly to his agitative approach and began to harass him in various ways. Sometimes, he did not receive his salary for months at a stretch. Everyone in the family recognized that politics of struggle was Jaswant's way of life.

Politics in Punjab, to which Jaswant began to pay closer attention, remained as exciting and chaotic as ever. The frustrating experience in the state government between 1967 and 1971 motivated the radicals in the Akali Dal to take up the tortuous issue of Center-state relations. In October 1973, the working committee of the Akali Dal adopted a policy resolution at a conference held at Anandpur and demanded that the Central government give autonomy to the provincial government in all areas except defence, foreign relations, currency and communications. The resolution described the Sikhs as a "nation" or "*Qaum*" and demanded structural arrangements that would give them a dominant role in the administration of Punjab.⁴⁹

Jaswant talked about the resolution and its originators scathingly. The Akalis had contributed to the demise of a decentralized India by scuttling the May 1946 British Cabinet Mission's terms for the transfer of power to representatives of a united federal India. The Cabinet Mission Plan had placed only three subjects of defense, foreign relations and currency under the control of India's Central government, leaving all other subjects to the jurisdiction of autonomous provincial governments. Sixteen years later, the Akali Dal wanted to revive that framework of federalism without admitting its past mistakes and yet claim a 'dominant role' for the Sikhs within the administration of Punjab. This in Jaswant's opinion was completely wrong. In his opinion, the Sikhs could not sustain the battle for their religious and political rights against the tyranny of majority in Indian democracy while claiming 'preeminence' in Punjab on the basis of their domineering demography in the state.

Jaswant challenged the Akali position by floating the proposal of a confederacy of India and Pakistan. The proposal suggested that the two countries work jointly to overcome their people-geography mismatch especially in their peripheral regions, make their politics purposeful also for their religious and communal minorities. He also proposed that the two countries move away from their hegemonic nationalism and repressive centralization towards a framework that could accommodate the imperatives of self-governance for religious, ethnic minorities and non-dominant nations. Jaswant was increasingly beginning to feel that unless the downtrodden and oppressed people from the heartland and the religious and ethnic minorities, victimized by India in its peripheral regions forged a larger solidarity of purpose to salvage the vision of freedom for which his grandfather Harnam Singh had dedicated himself, there could be no end to their miseries and meaningless political strife.

⁴⁹ Ghani Jafar, *The Sikh Volcano*, Atlantic Publishers and Distributors, Delhi, 1988, pp. 87-88, 457-460; G. S. Dhillon, *India Commits Suicide*, Chandigarh, 1992, pp. 94-112.

Indira Gandhi's Emergency: Sideshows of a Democracy

In June 1975, Prime Minister Indira Gandhi proclaimed a national emergency to save her government from tumbling in the face of a popular agitation for structural reforms, popularly known as "Total Revolution" that Jayaprakash Narayan, a charismatic socialist leader, had been leading for some years. For the next 21 months, she ruled on the strength of harsh measures. These measures included arrests of political opponents, press censorship and a ban on hostile political activities.⁵⁰ When the Akali leaders in Punjab organized public protests against the dictatorial measure, they were detained without trial, like the agitators in other parts of India. For the first time, Jaswant Singh admired the organizational strength of the Akali Dal that allowed it to effectively challenge Indira Gandhi's dictatorial regime by mobilizing thousands of people to non-violently defy her political prohibitions and to court arrest. No other political party in India had been able to match the Akali Dal's performance in sustaining the popular defiance against India's experiment with dictatorship.

The Janata Party, an alliance of political parties at the national level, also including the Akali Dal, routed the Congress in the elections of March 1977 to form its government at the Centre. The Akali Dal joined the Janata alliance. It also won the assembly elections held later that year to form its third coalition government in the state.

For Jaswant, the Emergency represented a logical outcome of the miscalculations of 1947. It showed that the pseudo-secular and quasi-federal scheme of the state forced on India had run its course. He fervently hoped that the broad coalition of democratic parties that replaced Indira Gandhi's Emergency regime would seriously use the restoration of democracy to pursue the agenda of decentralization of power, development from the grass-roots and genuine respect for the fundamental human rights for which its leaders had professed commitment. The new ruling coalition comprised a wide spectrum of political opinion from left to right and accommodated many regional parties, including the Dravida Munnetra Kazagham (DMK) from Tamil Nadu, the Communist Party of India (CPI-M) from West Bengal, the National Conference (NC) from Kashmir, and the Akali Dal from Punjab. All these parties had been votaries of decentralization before the electoral success of 1977. Their leaders had correctly pointed out that for the schemes of economic development in a country as vast and varied as India to have effect, they must evolve at the initiative of provincial leaders who possessed better knowledge of the local conditions, greater hold on the machinery of implementation and more accountability to the electorate than the bureaucrats and politicians in faraway Delhi. Appalling poverty of the people across the country, 30 years after the Independence, was proof enough that the philosophy of development behind the Five-Year Plans and the Planning Commission had failed. That much of the national resources meant for social reconstruction were being siphoned off into the tunnels of corruption was common knowledge. This disgust for corruption and stagnation was used by Jayaprakash Narayan, an old socialist colleague of Jawaharlal Nehru, to forge ties within the Janata conglomeration.

⁵⁰ The writer of this report was also interned without trial for 19 months for writing and speaking against India's experiment with dictatorship.

Jaswant Singh was happy to observe that the democratic change of the regime in Delhi was beginning to inspire, in the regional circles of Indian politics, an avid debate on the necessity to decentralize the constitutional framework of the state to give the provincial governments more powers. Many leaders of the peripheral states of the Union advocated major changes. They included Sheikh Abdullah of Jammu and Kashmir, Jyoti Basu, Marxist chief minister of West Bengal; A. K. Antony, Congress chief minister of Kerala and M. Karunanidhi of Tamil Nadu. These states, together with Punjab, had suffered the Center's highhandedness in three decades of Indian federalism. In particular, they hated the prerogatives the Constitution gave to the Union government to dismiss elected governments in provinces and to exercise control over their finances.⁵¹ To Jaswant Singh's dismay, the government of Akali Dal in Punjab, with Prakash Singh Badal as the chief minister, seemed unwilling to rake up trouble with its Hindu coalition partners to whom the very word autonomy was an anathema. Centrist hawks, representing the Hindu heartland of India, had arrayed themselves against advocates of decentralization who represented India's peripheries. They cut across party affiliations in believing that a strong Center was coterminous with a united India. Morarji Desai, the conservative Prime Minister of the coalitional government, announced that he would not even discuss the proposals for a Constitutional review with their protagonists.

Incongruous Alliances: the Akalis and Jarnail Singh Bhindrawale

This is the historical background in which Indira Gandhi's Congress party chose Punjab for new sinister experiments in the manipulation of collective prejudices that would lead to the June 1984 military assault on the Golden Temple of Amritsar and the calamitous events of the next decade: Her own assassination and the organized carnage of the Sikhs in its wake nearly five months after the military assault, radicalization of the Sikh unrest and the separatist violence, state terrorism on an unprecedented scale, 'enforced disappearances', arbitrary executions and secret

⁵¹ Article 356 (1) of the Constitution says: "If the President, on receipt of report from the governor of a state or otherwise, is satisfied that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of this Constitution, the President may by proclamation – [a] Assume to himself all or any of the functions of the government of the state and all or any of the powers vested in or exercisable by the governor or any body or authority in the state other than the legislature of the state; [b] Declare that the powers of the legislature of the state shall be exercisable by or under the authority of Parliament; [c] Make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Constitution relating to any body or authority in the state."

In 1951, Punjab became the first victim of this provision when the state government under chief minister Gopi Chand Bhargava did not take strong measures to put down the Akali agitation for a linguistic reorganization of the state. The next state to suffer the abuse was Kerala in 1959 when it was ruled by the Communist Party under E. M. S. Namboodiripad's chief ministership.

From 1967 to 1969, seven state governments run by parties inimical to the Congress government at the Center were dismissed. Between 1970 and 74, 19 state governments were subverted. During Emergency, the state government of Tamil Nadu was toppled on the ground that it did not implement the Central directive to censor the Press and refused to detain anti-Emergency activists.

cremations of thousands of people. The June 1984 military assault on the Golden Temple of Amritsar and the organized violence against the Sikhs in India, particularly in the Capital city of Delhi, following Indira Gandhi's assassination by two of her Sikh security guards on 31 October 1984, are so important to understand the contexts of separatist violence and its ruthless repression in the following decade in Punjab that we shall briefly recount them here.

The debate on the Center-state relationship in Punjab suffered a setback following the sectarian clashes that broke out in April 1978. The clashes between the Sikhs and Nirankaris involved contentious issues of heterodoxy and the passions which they aroused eclipsed sober political matters. They also helped the Congress party to isolate the Akali Dal. In the parliamentary elections held in January 1980, Indira Gandhi managed to regain political power at the Center. Eight out of Punjab's 11 parliamentary constituencies voted for the Congress candidates. In May 1980, the Congress party defeated the Akali Dal in the state assembly elections and formed a government under Darbara Singh.

In July 1982, the Akali Dal launched its popular agitation to demand the implementation of the Anandpur Sahib Resolution adopted in 1973, which asked for a residual transfer to the states all subjects of administration, except defense, foreign relations, communications and currency. Already for some years, Jarnail Singh Bhindranwale, the head of an orthodox Sikh seminary, had established himself as a charismatic religious figure with an extraordinary following in rural Punjab. With the view to harness Bhindranwale's popularity with the Sikh masses, the Akali leaders persuaded him to join the agitation. Having once done that, they were unable to back out of the professed goal in negotiations with the Central government because Bhindranwale would not allow them to do so. Both the Akali leaders and the Central government soon began to employ the whole range of Machiavellian stock-in-trade to cheat, cajole, bribe and browbeat their way out of the simple and consistent position of Bhindranwale that there would be no settlement against the mandate of the Anandpur Resolution.⁵²

The differences in the personalities and political potential of Bhindranwale and the Akali leaders were not limited to their political positions and religious backgrounds. Their differences reflected two separate but intertwined facets of the contemporary Sikh identity.

The Akali Dal had for six decades been the political instrument of the most influential section of the Sikh population, i.e., the Jat farmers. Their prosperity was a fall out of the Green Revolution, in the last two decades.⁵³ They agitated incessantly and often successfully to make the agricultural economy more profitable.

⁵² *Hindustan Times (HT)*, 16 November 1982, Akalis likely to accept new package deal; *HT*, 25 October 1982. Saran meets Akali leaders; *HT*, 13 November 1982. Bhindranwale, not for Khalistan; *HT*, 5 September 1983, Bhindranwale firm on Anandpur move; *The Tribune*, 28 February 1984, Sikhs not for secession: Bhindranwale.

⁵³ Although, the Green Revolution in Punjab is the culmination of the process of development in canal irrigation, reclamation of land, settlement of canal colonies, development of new seed varieties combined with cooperative banking and other related measures started by the British soon after the annexation of Punjab in 1846, the term is applied for the period of agricultural progress starting from the introduction of new varieties of seed developed at the International Centre for the Improvement of Maize and Wheat in Mexico, headed by Dr. N. E. Borlaug in 1964-65.

The Akali Dal, when in office, had closely identified itself with the interests of the Jat Sikh farmers, taking bold measures to help them. The big jumps in food production, from 1.9 million metric tons in 1965-66 to 2.45 million metric tons in 1966-67 and 5.62 million metric tons in 1971-72, had coincided with the creation of the Punjabi Suba — the Punjabi-speaking state — and the first governments of the Akali Dal. The productive cycle came to stagnation when the Congress took control of the government in 1972. Continuous retardation in the agricultural output marked the next five years. The consistent pattern of decline in food production over these years fed speculations that the Green Revolution had run its course. Studies of subsequent developments revealed that the stagnation was linked to the Congress policies that kept a check on the growth of essential inputs: Credit, fertilizers, tube-wells and tractors. The Akali Dal, taking control of the government in March 1977, broke the stagnation by changing the policies. It gave financial aid to those farmers whose crops had suffered due to natural calamities. It reduced the costs of electricity for tube-wells, fertilizers and pesticides.

The State Electricity Board gave the highest priority to new connections for electric tube-wells. The government transferred the administrative control of the cooperative department to a development commissioner, which allowed effective planning and application of production programs. The distribution of short-term cooperative loans rose from Rs.770 million in 1977 to Rs. 870 million in 1978, Rs. 1.05 billion in 1979 and Rs.1.54 billion in 1980. The long-term loans by land-mortgage banks also went up. The result of liberal financing pushed up the consumption of fertilizers. The total number of tube-wells went up from 362,000 in 1973 to 565,000 in 1980. Thus, by breaking the bottleneck in cooperative loans and the consequent drop in the use of inputs, the Akali Dal retrieved the Green Revolution from the plateau it had reached in 1972.

The economic progress attained during this period, however, did not satisfy the Jat Sikh farmers and their political spokesmen. It merely whetted their appetite for greater provincial autonomy, particularly in its fiscal ties with the Centre and for control over Punjab's river waters. The rapid progress of tube-well irrigation had led to the fear that ground water resources could soon be depleted. They also wanted to control their water resources to generate more power through hydroelectric projects.

The richer farmers wanted to invest their surplus money in manufacturing. The Central government had for long been reluctant to industrialize Punjab, which it viewed as a volatile border state. The urban Hindu, whom the Jat Sikhs viewed with the farmer's antipathy for the middleman of the town, monopolized the marginal industry.

In spite of the undercurrent of hostility that marked their relationship, the two segments of the population were not averse to mutual accommodation and compromise. In fact, they had become locked in mutual dependency, following the commercialization of agriculture and its increased reliance on the urban market, also monopolized by the Hindus. Jat Sikhs definitely resented the Hindu monopoly over trade and industry as it blocked their capital, generated from agriculture, from entering more productive avenues. However, with time, the Akali Dal had developed an effective strategy to compete against Hindu urban interests, by alternating between belligerence and compromise. The success of the strategy showed in their ability to form an alliance with the BJP, formerly Jana Sangh, in spite of the anti-Sikh thrust of its politics.

Bhindranwale, although a Jat by birth, drew his main following from that

section of small farmers in Punjab who had become pauperized in the last two decades of capital intensive agriculture. Furthermore, the process had driven 15 to 20 per cent of the rural population off the land. These were also his close allies. Naturally, these sections of Bhindranwale's followers looked at the prosperous farmers of the Green Revolution with suspicion and resentment.

They also disliked the Hindu trader and the immigrant worker who disturbed the place of the poor rural Sikhs in the local economy. They resented the Punjabi Hindus because they controlled trade and industry and kept the Jat Sikhs out. Instead, they employed the docile migrant workers who were ready to labor happily for lesser wages. Even then they earned considerably more than the maximum wages in their own native states. Thus, the migrant Hindu labor began displacing the poor rural Sikhs in the local economy.

The leaders of the Green Revolution benefited by employing outsiders as extra-hands on their farms, particularly during the peak seasons of sowing and harvesting. Their presence in Punjab nullified the local pressures that used to regulate employment on equitable terms in both the agricultural and industrial sectors.

A developed industry could have absorbed these disgruntled groups of the Sikh population. However, Punjab had been kept industrially backward although its phenomenal progress in agriculture had generated all of the preconditions for rapid industrialization. Thus the feeling gained ground that the Central government and the Hindus of Punjab were conspiring to keep the Sikh economy from advancing ahead of the Hindu average.

Until a few years ago, many unemployed youths from Punjab had been migrating to the *El Dorado* of western countries. Those countries did not want them anymore and were taking steps to keep them out. Traditionally, soldiering had been the main field of employment for the Sikh youth. In addition, the profession gave them the opportunity to keep up the martial pride of the Jat Sikh community. On the eve of the Independence, nearly 30 per cent of the Indian Army comprised of the Sikhs. Their ratio in the Army gradually came down. In 1974, the Union government took a policy decision by which the martial reputation of races would not weigh against the principle of proportional representation. Under the new policy, Punjab was to provide no more than 2.5 per cent of recruits to the Army. The Sikhs' share worked out to be 1.3 per cent.

The Sikhs viewed the policy as a deliberate attempt by the Central government to weed them out of India's fighting force. More significantly, the policy closed the main avenue of employment available to the rural Sikh youth. Many experts have pointed out that the unemployment of the youth in Punjab not only sustained the political turmoil there, but also gave it a militant direction since the days of Bhindranwale.

For his followers, Bhindranwale exemplified the religious-military virtues, as a saint-soldier or '*sant-sipahi*'. Volatile sections of the Sikh population that rallied around him believed that Bhindranwale appeared on the scene to lead them to their place in history, as promised by their 10th Guru: "*Raj karega Khalsa* (the Sovereign shall rule)". Their psychological disposition to take either all or nothing was diametrically opposed to the Akali politics of compromise; it was inevitable that they would ultimately clash. Bhindranwale also attracted a section of the Sikh intelligentsia, particularly retired army officers, bureaucrats, teachers and journalists. This section of educated Sikhs, with its lofty self-image, had not been able to take its place in the rustic setting of the Akali Dal under its half-literate leaders. They

castigated the Akalis as opportunists, and wanted to supplant them to pioneer a Sikh nation. In this sense, the group was at one with the radical squads of Bhindranwale, except that they rather fancied themselves in the role of intellectual mentors.

Thus, the alliance between the Akali Dal and Bhindranwale was fundamentally incongruous. Bhindranwale personified an intransigent spirit that could not be reconciled with the Akali politics of give and take. Besides, the Central government had already shown a tendency to politically isolate the Akali Dal by portraying its leaders as siding with secessionists and terrorists.⁵⁴

Indira Gandhi Moves to Consolidate Power

Meanwhile, Indira Gandhi was once again losing political ground at the national level. The results of the byelections in 12 states of southern and northern India, held in the third week of May 1984, had gone against the Congress. It had lost all the prestigious contests. The Congress candidate in the Malihabad constituency in Uttar Pradesh, had lost to the fledgling party of Maneka Gandhi, the Prime Minister's estranged daughter-in-law. Rajiv Gandhi's own constituency, as it happened, was next to Malihabad. An intrepid Maneka Gandhi had announced that she would fight her brother-in-law in the forthcoming parliamentary elections. The election results had shown that northern India was being swept by a wave of Hindu anger over the government's inability to suppress the Sikh extremist movement in Punjab. The southern peninsula, on the other hand, was under the sway of strong regional parties inimical to the Congress. In Andhra Pradesh, traditionally a Congress stronghold with its 42 parliamentary seats, a new regional party called the Telugu Desam formed by a popular celluloid hero N.T. Rama Rao, had swept the polls.⁵⁵

The byelection results convinced Indira Gandhi that unless she took drastic action against the Sikh agitation, largely perceived by the Hindu population as being covertly secessionist, she would not be able to form the next government at the Centre. A swift military operation to strike Bhindranwale and his band of followers dumb, as the top brass of the Army had promised, would not only establish her as a tough leader, but also restore her popularity through a communal polarization that

⁵⁴ Mark Robinson, "Farmer politics in the Punjab", *Development Policy Review*, Sage Publications, London, Volume 7, No. 3, September 1989; Manohar Singh Gill, *The Development of Punjab Agriculture, 1977-80*, Asian Survey, University of California Press. Vol. XXIII, No. 7, July 1983; "The Political Economy of Sikh Nationalism", Holly M. Hapka, *Journal Für Entwicklungspolitik*, Wien, IV, Jg., Heft 4, 1988; "The Green Revolution and Cultural Change in a Punjab village, 1965-1978", Murray J. Leaf, *Economic Development and Cultural Change*, Volume 31, Number 2, January 1983, University of Chicago Press; Francine Frankel, *India's Green Revolution: Economic Gains and Political Costs*, Princeton University Press, 1971; Shyamala Bhatia, "New Lions of Punjab: Emergence of Hindu middle class in 19th century and early 20th century," *PHC*, Twenty third session, 17-19 March 1989; *Sainik Samachar*, New Delhi, 1987, p. 15; K. S. Sidhu and Parmeet Singh, "A Historical evaluation of the problems of ex-servicemen of Punjab", *PHC*, Twenty-second session, 25-27 March 1988; Harish K. Puri, "The Akali Dal and State autonomy: Some observations", *PHC*, Fourteenth Session, 28-30 March 1980.

⁵⁵ *The Tribune*, 23 May 1984. Poll outcome a jolt for Congress; *The Tribune*, 18 May 1984, Akali Dal, Centre in dilemma; *The Tribune*, 17 February 1984, Rajiv's Statement condemned; *The Tribune*, 30 April 1984, Punjab Situation Better: Rajiv; *The Tribune*, 24 April 1984, Let Army control Punjab: Advani; *The Tribune*, 4 May 1984, Get tough with terrorists; *The Tribune*, 28 May 1984, Madhook for army rule in Punjab; *The Tribune*, 4 May 1984, Get tough with terrorists; *The Tribune*, 6 May 1984, Eight organizations of Hindus merge

inevitably had to follow such an action.⁵⁶ Already, the leaders of Hindu political parties had for some time been advocating the military option to end the trouble in Punjab. The BJP and the Lok Dal of Charan Singh, former Prime Minister, had formed a National Democratic Alliance (NDA) to mobilize public opinion against the government's "soft-pedaling" of the Punjab situation. The legislators belonging to the two parties in several north Indian states had been courting arrest daily to draw public attention to the issue. Eight Hindu organizations of Punjab had merged to form a united front called *Rashtriya Hindu Suraksha Sena* (National Hindu Defence Force), and had been arming themselves to fight the Sikhs.⁵⁷ The Punjab Press had become equally vociferous in demanding strong action. On 17 April 1984, *The Tribune* published an editorial on its front page saying: "The people of Punjab are not concerned any more with means and methods. They want to be allowed to live in peace."⁵⁸

Many observers of the developments in Punjab have suggested that in the beginning Indira Gandhi encouraged the militant groups around Bhindranwale with the view to undermine the electoral base of the Akali Dal. It is also known that Indira Gandhi's reckless son Sanjay Gandhi, whom she had been grooming as her heir apparent, tried to forge an alliance between the Congress and the Akali Dal.⁵⁹ Apparently, these moves belonged to a common strategy to divide the Sikh vote.⁶⁰ Several senior members of the Congress party from the neighboring province of Haryana themselves said that their leaders were supporting the Sikh secessionist movement.⁶¹

During the Sikh agitation, the Prime Minister had involved independent politicians to persuade the Akali leaders for a compromise. They included Farooq Abdullah, the chief minister of Jammu and Kashmir, Amarinder Singh, scion of Patiala royalty and a friend of Rajiv Gandhi, and Harkishan Singh Surjeet, a CPI(M) leader. Several times during these negotiations, the emissaries, as also the official spokespersons for the Prime Minister, held out hopes of an impending settlement. But nothing happened. The Prime Minister's emissaries later said that she always backed out of her agreements with the Sikh leaders.⁶²

Subramaniam Swamy, then a leader of the Janata Party and a member of

⁵⁶ Ram Narayan Kumar, *The Sikh Unrest*, Op. Ct, pp. 182-3.

⁵⁷ *The Tribune*, 24 April 1984, Let Army control Punjab: Advani; *The Tribune*, 4 May 1984, Get tough with terrorists; *The Tribune*, 28 May 1984, Madhook for army rule in Punjab; *The Tribune*, 6 May 1984, Eight organizations of Hindus merge.

⁵⁸ *The Tribune*, 17 April 1984, Massive Sabotage.

⁵⁹ On 24 June 1980, Sanjay crashed to death while airlooping over a suburb of Delhi. Indira Gandhi then brought her elder son, an Indian Airlines pilot, into politics. Rajiv became India's Prime Minister after his mother's assassination on 31 October 1984.

⁶⁰ Mark Tully and Satish Jacob, *Amritsar: Mrs. Gandhi's Last Battle*, Jonathan Cape, London 1985, pp. 60-62; *HT*, April 3, 1980, Cong-I open to election adjustments; *HT*, 28 April 1980, Akalis sending feelers to Congress-I on adjustment; *HT*, 4 April 1980, Darbara Singh strengthened; *HT*, 20 April 1980, End to Punjab Cong-I bickering not in sight.

⁶¹ *HT*, 6 November 1981, Congress-I men in Punjab backing separatists.

⁶² *HT*, 11 December 1982, Deadlock at Dal meeting; Kuldeep Nayar and Khushwant Singh, *The Tragedy of Punjab*, Vision Books Pvt Ltd, Delhi, 1984, p. 66; *HT*, 8 February 1983, Talks with Akalis on: Laskar; *HT*, 6 April 1984, Sitanshu Das, Time for Quick Decisions; *The Tribune*, 25 April 1983, Punjab solution in sight; *The Tribune*, 1 November 1983, Akalis favour talks with PM; *The Tribune*, 22 January 1984, Punjab issue: Centre not in mood to relent; *The Tribune*, 28 January 1984, Kuldeep Nayar, New Formula on Punjab; *The Tribune*, 6 February 1984, New bid for Punjab settlement; *The Tribune*, 17 February 1984, Rajiv's statement condemned; *The Tribune*, 30 April 1984, Punjab Situation Better: Rajiv; *The Tribune*, 11 July 1984, Akali Centre Secret Meetings; *The Tribune*, 14 July 1984, Surjeet blames Centre.

Parliament, spent three days from April 24 to 27 at the Golden Temple, a few weeks before the Army assault, talking to the Sikh leaders, including Bhindranwale. He published an article on 13 May 1984 issue of the *Illustrated Weekly of India* to say that any attack on the Golden Temple by India's security forces would be a great folly. He wrote: "If the firing is heavy, and the temple or the Akal Takht – which houses Guru Gobind Singh's swords – are damaged, India, as a concept will be destroyed. The wound inflicted on the Sikh heart and mind will be permanent and there will be no end to the bloodshed, thereafter." In the same article, Swamy asked why the officials of various para-military and intelligence organizations surrounding the temple complex were not arresting those criminals reportedly walking in and out with total impunity.⁶³

This was an important question that I later raised with the then deputy commissioner of Amritsar, Gurdev Singh who said that he had categorically informed the highest officials of the Punjab government that if they wanted to arrest Bhindranwale, there would be no major difficulty in organizing it. The chief minister, the governor of Punjab and other senior officials told him that the directive to take action against Bhindranwale had to come from Delhi. Gurdev Singh told the governor of Punjab that, if necessary, he would send the police into the Golden Temple to arrest the miscreants. He also cautioned against the use of the paramilitary forces on the ground that they would mismanage the operation from their ignorance of the temple's topography. At the mention of the paramilitary, the governor told him that "there was no such plan." Gurdev Singh learnt about the government's decision to use the Army to raid the temple on the evening of 3 June 1984.⁶⁴

Subramaniam Swami published another article soon after the massacre inside the Golden Temple to say that the government had been master-minding a disinformation campaign to create legitimacy for the action. The goal of this disinformation campaign, according to Swami, was to "make out that the Golden Temple was the haven of criminals, a store of armory and a citadel of the nation's dismemberment conspiracy."⁶⁵

A cover story in *Surya* magazine, published soon after the Army operation, made more sensational revelations. The story quoted "highly placed and highly disillusioned sources in the Research and Analysis Wing," the top-notch intelligence organization in India, to claim that most of the arms inside the Golden Temple had been smuggled in under the supervision of a special agency, created out of the outfit and controlled directly by the director of the Prime Minister's secretariat. One week before the Army action, the Punjab police had intercepted two truck loads of weapons and ammunition in the Batala sub-division of Gurdaspur district. But the officer of the third agency, in-charge of Amritsar, persuaded the director-general of police (DGP) to release them and to send them along safely to the Golden Temple.

⁶³ *The Illustrated Weekly of India*, May 13, 1984, Subramaniam Swamy, "In the Theatre of Violence", pp. 7-11.

⁶⁴ Ram Narayan Kumar, *The Sikh Unrest and the Indian State*, Ajanta Publications, Delhi, 1997, pp. 180-182

⁶⁵ *Imprint*, July 1984, "Creating a Martyr", by Subramaniam Swami, pp. 7-8.

Operation Blue Star: The Army Assault

The assault against the Golden Temple, code named Operation Blue Star, was launched on 5 June 1984, the martyrdom day of Guru Arjun who had the foundation of the temple laid by a Muslim divine 400-years ago and was the first of the Sikh Gurus to die in defiance of the Mughal empire. The assault, which the Sikhs themselves call the *Ghallughara*,⁶⁶ was diabolically conceived not only to scathe the Sikh psyche, but also to make the “sufficient moral effect from a military point of view not only on those who were present, but more especially throughout the Punjab.”⁶⁷ That is how Brigadier Dyer had explained his intention when he came to Jallianwala Bagh, near the Golden Temple, to disperse an illegal assembly 65 years ago on 13 April 1919. Dyer had acted impulsively, on his own. Operation Blue Star was not only envisioned and rehearsed in advance, meticulously and in total secrecy, it also aimed at obtaining the maximum number of Sikh victims, largely devout pilgrims unconnected with the political agitation. The facts should speak for themselves:

On 24 May 1984, the Akali Dal announced a new program to intensify the agitation starting from June 3 by blocking the transfer of Punjab’s food grains to other states, withholding all taxes due to the government and regular courting of arrest by Sikh volunteers.⁶⁸

On May 25, the government used the announcement to deploy 100,000 Army troops throughout Punjab, also encircling 42 important gurudwaras in the state including the Golden Temple of Amritsar. The government should have placed Punjab under a curfew if it wanted to prevent innocent pilgrims from gathering at the Darbar Sahib in Amritsar and 41 other gurudwaras throughout Punjab that the Army planned to attack, to celebrate Guru Arjun’s martyrdom day. A team of Union ministers deputed by Indira Gandhi met the top Akali leaders secretly on May 26, two days after the announcement of their new program of agitation. This team at least could have asked the Akali leaders to take steps to ward off the pilgrims in view of the impending military operation. This was not done. On May 30, President Zail Singh, the Supreme Commander of the Defence Forces and himself a Sikh, assured a delegation from Punjab that the army had no intention to assault the temple. The President himself was ignorant about the impending operation.⁶⁹

Until 1 June 1984, Jarnail Singh Bhindranwale held his regular public meetings on the roof of the community kitchen inside the Golden Temple complex. The meetings were open to all, and it should have been possible for a group of commandos to nab him there by using minimal force. This was not done. It also should have been easy for specially trained sharp shooters, who had positioned themselves on the buildings around the temple, to target Bhindranwale and his armed followers and to neutralize them. On June 1 afternoon, mixed groups of various

⁶⁶ *Ghallughara*, meaning great massacre, is a term that was first used to describe the eighteenth century slaughter of the Sikhs under the Afghan invader Ahmad Shah in 1761. J. S. Grewal, *The Sikhs of the Punjab*, Revised Edition, Cambridge University Press, 1998, pp. 91, 229

⁶⁷ *Report of the Committee Appointed by the Government of India*, Op. Ct pp. 30-31.

⁶⁸ *The Tribune*, 24 May 1984, Noncooperation from June 3: Dal announces new plan.

⁶⁹ The White Paper on Punjab, *The Tribune*, July 10 1984; *The Tribune*, July 11 1984, Akali-Centre secret meetings; Ram Narayan Kumar, *The Sikh Unrest and the Indian State*, Op. Ct, pp. 177; Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle*: Op. Ct, p. 264.

security agencies that had occupied the multi-storied buildings in the circumference did open fire against the temple complex when Bhindranwale was holding his audience on the roof of the kitchen building. In stead of targetting Bhindranwale, the sharp shooters aimed at various buildings, including the main shrine of Harmandir Sahib which sustained 34 bullet marks.⁷⁰ The objective of this barrage of firing, that lasted for seven hours, was to assess the strength, the training and the preparedness of Bhindranwale's resistance.

According to Devinder Singh Duggal, in-charge of the Sikh Reference Library located inside the Golden Temple complex and an eye-witness, Bhindranwale's followers were under strict instructions "not to fire a single shot unless and until the security forces or the Army entered the holy Golden Temple."⁷¹ The action claimed the lives of eight pilgrims, including a woman and a child, inside the temple complex and injured 25 others. The Government of India's document called the White Paper on Punjab released on 10 July 1984 does not acknowledge this incident.

When the firing stopped, a group of Akali volunteers courted arrest. There was no curfew in Amritsar that night and the next day. Thousands of pilgrims came into the temple without restrictions. According to eye-witnesses, approximately 10,000 people had gathered inside. There were also 1,300 Akali workers, including 200 women, who had come to join the agitation announced by the Akali Dal. Although they had come in without any hindrance, they could not leave without risking arrest. In the aftermath of June 2, two Sikh students from Delhi wanted to take a train back to their city to appear for an examination next morning. At the Amritsar railway station, they realized that all the outgoing trains had been cancelled. But there was no declaration of a curfew to stem the stream of pilgrims into the Golden Temple.⁷² Journalists were allowed to move in and out of the temple complex, and to interview Bhindranwale, until the evening of June 3 when suddenly the government imposed the curfew. Three journalists who came out of the temple complex after speaking to Bhindranwale that evening, told me that there were more than 10,000 Sikh devotees inside with no idea of what was about to follow. One journalist counseled some village women, who nervously questioned him about the Army deployment, to stay put until the curfew was lifted. The journalist himself had no clue about the scale and the nature of the Army operation underway.⁷³ A group of human rights workers from Delhi who later investigated the *Ghallughara*, concluded that the failure to warn the people was not "forgetfulness" but "deliberate".⁷⁴

The top brass of the Army was working on a grand plan, involving the use of heavy weapons including battle tanks and helicopters obtained from the Air Force.⁷⁵ The civil administration had no chance to prepare for contingencies because it was kept completely in the dark about the operational details. The deputy commissioner

⁷⁰ *Operation Blue Star: The Untold Story*, A report prepared by Amiya Rao, Aubindo Ghose, Sunil Bhattacharya, Tejinder Ahuja and N. D. Pancholi, page 5 of 24 – http://www.panthkhalsa.org/raj_june84report.html

⁷¹ *The Operation Blue Star: The Untold Story*, Op. Ct, page 4 of 24.

⁷² *Operation Blue Star: The Untold Story*, Op. Ct, page 5 of 24.

⁷³ Ram Narayan Kumar, *The Sikh Unrest and the Indian State: Op. Ct*, p. 188. <http://www.sikhs.org/1984b.htm>.

⁷⁴ *Operation Blue Star: The Untold Story*, Op. Ct, page 6 of 24.

⁷⁵ The White Paper on Punjab, the text reproduced in *The Tribune*, July 11 1984.

of Amritsar learned about the Army action officially on June 3 evening when he attended a meeting with Major General K. S. Brar, divisional commander of the 9th Division, at a control room set up in the city's cantonment area. Asked by General Brar to give his opinion on Bhindranwale's morale, the deputy commissioner tried to tell him that the militant Sikh preacher would not surrender easily. General Brar did not allow the deputy commissioner to finish his point, but began to exult on his redoubtable action plans: "...When tanks rattle, planes roar and the ground fires, even generals tremble in their trousers..."⁷⁶ Earlier, the government had ignored the deputy commissioner's recommendations to capture Bhindranwale through a swift police operation. Gurdev Singh was later replaced with a more compliant civil servant.

The Army began the assault on June 4 morning by firing heavy artillery and mortars against the temple complex, destroying the tops of two 18 century towers, the water tank behind a large public assembly room called Teja Singh Samundri Hall and other buildings in the circumference. Hundreds of people were killed in the criss-cross of intense firing that continued throughout June 4. According to Bhan Singh, then general secretary of SGPC no warning was given before the Army started shelling the temple. The Army detained volunteers of the Red Cross who wanted to help the injured at the Jallianwala Bagh.⁷⁷

Housed in the main shrine of the temple were 50 to 60 priests, singers and other attendants responsible for various liturgical tasks. Amrik Singh, a blind singer of religious hymns and a few other temple employees were killed on June 5 morning, when they stepped out of the shrine to fetch water for the group inside.⁷⁸ Later that evening, tanks belonging to the 16th Cavalry Regiment moved into the plaza in front of the northern entrance to the Golden Temple after Bhindranwale's fighters repulsed several attempts made by the commandos of the 1st Battalion of the Parachute Regiment to capture the Akal Takht. Eventually, a group of the 7th Garhwal Rifles succeeded in establishing a position on the roof of the library building. Two companies of the 15th Kumaon Regiment later joined the 7th Garhwal Rifles to provide reinforcement. But the Akal Takht remained impenetrable. In the night of June 6, a suicide bomber destroyed an armored personal carrier that advanced towards the Akal Takht in the south side of the circumference. Soon thereafter, eight Vijayanta tanks moved in to batter the Akal Takht with their large 105mm cannons equipped with high explosive squash-head shells. Eighty shells were fired at the most sacred of the Sikh shrines, erected by the sixth Sikh Guru as a counterpoint to the seat of political power in Delhi, reducing it to rubble. The golden dome of the shrine caved in by the firing from a heavy Howell gun, mounted on an adjacent building.⁷⁹

The same night, a battalion of the Kumaon Regiment invaded the hostel complex at the eastern side where hundreds of pilgrims, the Akali leaders, including Harchand Singh Longowal and Gurcharan Singh Tohra, and employees of the SGPC had taken shelter. The Armed Forces took Longowal, Tohra and other senior Akali leaders into

⁷⁶ Ram Narayan Kumar, *Op. Ct.*, pp. 182-3.

⁷⁷ Kuldeep Nayar & Khushwant Singh, *The Tragedy of Punjab*, Vision Books, Delhi, 1984, pp. 94-8. *Operation Blue Star: The Untold Story*, *Op. Ct.*, pp. 5 and 7 of 24.

⁷⁸ *Operation Blue Star: The Untold Story*, *Op. Ct.*, page 8 of 24.

⁷⁹ Kuldeep Nayar & Khushwant Singh, *Op. Ct.*, pp. 95-100; Mark Tully & Satish Jacob, *Amritsar: Mrs. Gandhi's Last Battle*, pp. 160-175; *Surya India*, "Politics of Bloody Revenge", November 1984, pp. 39-42. <http://www.sikhs.org/1984b.htm>

custody, but kept them in a room that served as a temporary centre of detention until June 6 evening when they moved them to an Army camp. Soldiers ordered all others out of the rooms into the courtyard while the shelling of the Akal Takht continued. When a bomb exploded near the hostel, soldiers began to shoot at the group of people huddled in the courtyard. The SGPC's secretary Bhan Singh ran to Longowal and Tohra, who came out to beseech the Major in-charge of the battalion to stop shooting the innocent pilgrims. Early next morning, Bhan Singh counted "at least 70 dead bodies" of old men, women and children. Soldiers, commanded by a Major, continued to line up young Sikhs along the hostel's corridor to be shot. When Bhan Singh protested, the Major flew into a rage, tore away his turban and ordered him to either flee the scene or join the "array of martyrs". Bhan Singh "turned back and fled, jumping over the bodies of the dead and injured." Hundreds of young Sikhs, innocent pilgrims from the villages, were killed in this manner. A woman school teacher, Ranbir Kaur, witnessed the shooting of another group of 150 persons whose hands had been tied behind their backs with their own turbans.

Narinderjit Singh Nanda, the public relations officer of the Golden Temple, and his wife spent the night of June 5 in a basement under his office. At the midday of June 6 afternoon one army officer took them to the square in front of the main entrance gate on the northern side of the temple. They had to step over the bodies strewn everywhere. Nanda was to be shot by a soldier when a Brigadier, recognizing him, intervened to rescue him. A young Lieutenant then took Nanda over to the other side of the circumference, close to the library building, and asked him to stand against the wall and say his last prayers. Nanda was, however, destined, to live. The Brigadier showed up again and ordered the Lieutenant to let go of him.

A singer at the Golden Temple, Harcharan Singh Ragi, his wife and their young daughter came out of their quarters near the information office on June 6 afternoon. They witnessed the killings of hundreds of people, including women, and would themselves have been shot if a commander had not taken pity on their young daughter who fell at his feet begging him to spare her parents' lives.⁸⁰

The soldiers were in a foul mood. According to the official White Paper on Punjab, 83 army personnel had been killed and 249 wounded during the operation. Private estimates give much higher figures of Army casualties.⁸¹ After the destruction of the Akal Takht, they drank and smoked openly inside the Temple complex and indiscriminately killed those they found inside. For them, every Sikh inside was a militant. According to the White Paper, 493 militants were killed, 86 wounded and 1,592 apprehended during the operation. These numbers add up to 2,171, and fail to explain what happened to at least 5,000 pilgrims trapped inside when the operation began. The eye-witnesses claim that "7,000 to 8,000 people were killed". Mark Tully estimated that approximately 4,000 people might have died. Chand Joshi suggested 5,000 civilian deaths.⁸²

⁸⁰ *Operation Bluestar: The Untold Story, Op. Ct.*, page 13 of 24.

⁸¹ Chand Joshi, *Bhindranwale: Myth and Reality*, S. Chand, New Delhi, 1984, p. 161; J. S. Grewal, *The Sikhs of the Punjab*, Revised edition, Cambridge, 1998, p. 227.

⁸² *Operation BlueStar: The Untold Story, Op. Ct.*, pp. 15 and 16 of 24; Mark Tully and Satish Jacob, *Amritsar: Mrs. Gandhi's Last Battle, Op. Ct.*, p. 182; Chand Joshi, *Bhindranwale: Myth and Reality, Op. Ct.*, p. 161; *Surya India*, November 1984, "Psychology of Revenge"; <http://www.sikhs.org/1984b.htm>

Brahma Chellaney, a Associated Press correspondent, had managed to dodge the authorities to remain in the city during the Operation Blue Star. Later, he reported that dead bodies were taken in municipal garbage trucks round the clock and burnt in heaps of 20 or more. One attendant at the city's crematorium told him that there was not "enough wood to burn the dead" individually. He also saw "an estimated 50 corpses" in a large garbage lorry. At least two masculine legs stuck out from the back of the gray truck. A forehead with long flowing hair, apparently that of a male Sikh hung from the left side. Chellaney also saw the "dead bodies of at least two women and a child". He talked to a doctor who had been forced to sign post-mortem reports of some people killed inside the temple. The doctor corroborated the reports that their hands had been tied before the soldiers shot them.⁸³

The Army had isolated and stormed 41 other main gurudwaras throughout Punjab. In the absence of a thorough investigation, it is difficult to estimate the casualties, but it is known that the operation against many gurudwaras turned out to be a bloody affair. The White Paper on Punjab says that "terrorists at Moga and Muktsar offered a fair amount of resistance."⁸⁴ Tiwana Commission of Inquiry, appointed by the Akali state government two years later to investigate complaints of torture in Army custody, said that 257 persons were shot at during the storming of the Dukhniwaran Gurudwara at Patiala.⁸⁵ In the absence of an independent and comprehensive inquiry, the total figures of casualties and arrests during the Army operation in Punjab can never be known. The storming of the temples was followed by a mopping up operation in Punjab's countryside, code named Operation Woodrose, resulting in thousands of young Sikhs getting apprehended. The government claims that its forces apprehended a total of 4,712 people.⁸⁶

According to the White Paper on Punjab, the storming of the Golden Temple resulted in the apprehension of 1,592 terrorists. Out of these, 379 were detained under the National Security Act (NSA) and the Terrorist and Disruptive Activities (Prevention) Act, (TADA). Independent investigations suggest that the large majority of 379 persons detained under these laws were innocent, ordinary persons who had gone to the Golden Temple to take part in an important religious event.⁸⁷

In September 1984, Mrs. Kamala Devi Chattopadhyaya, a social worker based in Delhi, moved a petition before the Supreme Court to raise some issues about the people the government had detained as the "most dangerous terrorists". The petition demanded the Court's intervention for the release of 22 children aged between two and 16 years, who had been rounded up from the Golden Temple and were being held in the Ludhiana jail. Two judges of the Supreme Court, Chinnappa Reddy and V. Khalid, ruled that "there was no justification for detaining them as they were pilgrims visiting the Golden Temple during Operation Blue Star." At this order, the 22 children lodged at the Ludhiana jail were released. But the police rearrested most of them and tortured them at various interrogation centres for information on their relatives who had probably been killed during the Army operation.⁸⁸

⁸³ Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Op. Ct.*, pp. 265-6.

⁸⁴ The White Paper on Punjab, *The Tribune*, July 11, 1984.

⁸⁵ Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Op. Ct.*, p. 344.

⁸⁶ *ibid*; J. S. Grewal, *The Sikhs of the Punjab, Op. Ct.*, p. 228.

⁸⁷ *Operation BlueStar: The Untold Story, Op. Ct.*, pages 17 to 23 of 24.

⁸⁸ *ibid*, p. 291; *The Indian Express*, 3 April 1985, Writ on children in Punjab jails.

There were more children rounded up from the Golden Temple, in Punjab jails than Kamala Devi knew. After her petition before the Supreme Court, many children lodged in the Ludhiana jail got transferred to the high security prison in Nabha. But a correspondent of *The Indian Express* found out that Jaswant Singh and Kewal Singh, lodged in the Nabha prison under the NSA, were 11 and 15-years-old, and published a story about them on 24 October 1984. On 27 October 1984, a Sikh religious organization moved a criminal writ petition no. 551 of 1984 before the High Court of Punjab and Haryana to demand their release. The petition said that the children were not involved in any criminal case and that the government had used the NSA to cover their detention many months after illegally arresting them on 3 June 1984. The petition prayed that the court should quash their detention as being *mala fide* and also order a thorough inquiry about the circumstances that permitted minor children unconnected with crime to be held in high security prisons.

Justice M. M. Punchi heard the petition and disposed it with the following order: "The petition is extremely vague and tends to ask for a fishing inquiry. Dismissed." M. M. Punchi was later elevated to the Supreme Court and briefly served as India's Chief Justice.⁸⁹

As we have already observed, the attack on the Golden Temple, the destruction of the Akal Takht and the atrocities that followed the Army operations, produced in all sections of the Sikhs a sense of outrage that was hard to alleviate. In any case, no attempts were made towards appeasement. The large majority of Hindu India, even if politically hostile to Indira Gandhi, identified with and exulted in her will to overwhelmingly humble a recalcitrant minority. The sentiment was echoed by Morarji Desai, the former Prime Minister who had led the democratic coalition that replaced Indira Gandhi's Emergency regime in March 1977: "Nation would have been destroyed if the Army had not been moved in. All the terrorists have not been finished yet. They should be liquidated as they are maligning the image of the Sikhs and pose a fundamental threat to the very existence of the country."⁹⁰ The statement conveys a position of Hindu militancy that has acquired the sophisticated advocacy of many successful people with a wistful involvement in the "glory that was Hinduism", a glory that has remained unfulfilled in the "calamitous millennium".

Trinidad born writer Sir Vidyadhar S. Naipaul, who has made Britain his home, recently said: "Dangerous or not, Hindu militancy is a corrective to the history I have been talking about. It is a creative force and will be so." In the same interview, Sir V. S. Naipaul also talked about the great Indian aesthetic-architecture: "The Mughal buildings are foreign buildings. They are a carry-over from the architecture of Isfahan. In India they speak of the desert. They cover enormous spaces and they make me think of everything that was flattened to enable them to come up... The Taj is so wasteful, so decadent and in the end so cruel that it is painful to be there for very long."⁹¹ Sophisticated Hindus with such views on India's history could not regret the destruction of Amritsar's Golden Temple which is Islamic in essential architecture and had become the symbol of the Sikh defiance to India's seat of authority in Delhi.

⁸⁹ Ram Narayan Kumar & Georg Sieberer, *Op. Ct.*, pp. 291-2.

⁹⁰ *The Tribune*, 28 June 1984, Nation Saved: Desai.

⁹¹ *Outlook*, 15 November 1999, "Christianity didn't damage India like Islam: Interview with V. S. Naipaul" — <http://www.outlookindia.com/19991115/naipaul.htm>

Stanley Wolpert, the author of *Nehru: A Tryst with Destiny*, said “When the tanks rolled into the Golden Temple, Prime Minister Indira Gandhi had really signed her death warrant because the Sikhs have very long memories, and they felt that that kind of invasion into the Vatican, the mecca of the Sikh faith, was intolerable.”⁹² This view of the Sikh reaction to the Golden Temple’s destruction requires the capacity of an outsider to empathize with the sentiments of a demonized minority, unavailable among those who belonged to the Hindu political framework.

Assassination of Indira Gandhi and Delhi Pogroms

In the morning of 31 October 1984, Prime Minister Indira Gandhi was going to be interviewed by Peter Ustinov, well known film actor, playwright and director, for a BBC program. Indira Gandhi wore a colorful sari and discarded her bulletproof vest to look elegant enough for the television interview. As she stepped out of her house, two of her Sikh security guards opened fire, one with his service revolver and the other with his sten gun. Indira Gandhi collapsed on the spot. Peter Ustinov could not witness the assassination as he was behind the hedge in the garden. But he recorded the sound. First, there were three revolver shots. The Indian cameraman thought they were “firecrackers”. Again, there was a round of machine gun fire. The ambulance arrived and took Indira Gandhi to the All India Medical Institute (AIIMS). Seven minutes later, Ustinov’s sound system recorded another burst of machine gun fire, and he concluded that “there had been a settling of accounts”. A second group of bodyguards took the Sikh assassins to the guard-house and shot them there. One of them, Beant Singh, died, but his accomplice Satwant Singh survived to stand trial.⁹³ The attempt to finish them off was seen as belonging to a larger conspiracy to cover up its ramifications.⁹⁴

⁹² *Book Notes Transcript: Stanley Wolpert*, - <http://www.booknotes.org/transcripts/50133.htm> page 9 of 21.

⁹³ Peter Ustinov, *Time Yahoo Chat*, - <http://www.pathfinder.com/time/community/transcripts/1999/082599ustinov.htm>

⁹⁴ Twenty days after the assassination, the government appointed a commission of inquiry headed by a sitting judge of the Supreme Court, M. P. Thakkar, to investigate the conspiracy. The police without waiting for the report of the commission arrested and interrogated many and brought to trial as co-conspirators, apart from Satwant Singh, two other serving Sikh officers of the Delhi police attached to the Prime Minister’s security, Kehar Singh and Balbir Singh. The trial court sentenced all of them to death. The high court confirmed the death sentences. Kehar Singh’s conviction was founded on his confessional statement, exacted under interrogation, that on learning about Mrs. Gandhi’s assassination he had remarked: “Whoever would take confrontation with the *Panth* would meet the same fate.” The remark, the Supreme Court, ruled, indicated his guilty mind. Ram Jethmalani, a prominent lawyer and now a Union minister, moved the Supreme Court to argue that to carry out the death penalty imposed on the strength of very fortuitous and circumstantial evidence, specially when neither the courts nor the President had examined the Thakkar Commission report, would amount to judicial murder. The Court remained unmoved. Satwant Singh and Kehar Singh were hanged on 6 January 1989. Before long, the *Indian Express* published excerpts from the confidential report of the Thakkar Commission, submitted to the government in February 1986, that had been withheld even from the Parliament through an amendment in the Commission of Inquiry Act. The excerpts published in the *Indian Express* revealed that the commission had pointed a finger of suspicion towards R. K. Dhawan, then special assistant of Mrs. Gandhi, who was present at the scene of the crime. According to the report, Dhawan had not only got the assassins posted to the innermost circle of the Prime Minister’s security ring, in spite of adverse intelligence reports, he had also manipulated the timing of her appointment for the television interview to facilitate the crime. Instead of taking action on the recommendations of the report, the government

Indira Gandhi's assassination sparked off organized violence against innocent Sikhs all over north India, and it became extraordinarily vicious in Delhi. Getting involved with a group formed immediately after the outbreak of the mayhem to rescue and rehabilitate the victims, I became personally acquainted with the patterns of systematically orchestrated violence that claimed 3,000 innocent Sikh lives in the next three days. The Congress party workers had gathered in large numbers outside the AIIMS where Indira Gandhi was rushed immediately after her security guards had shot her. As I drove by the hospital, I noticed the explosive temper of the crowd that was raising vicious slogans of revenge. Several Sikhs on the road had already been assaulted. President of India Zail Singh, a Sikh, had cut short his visit to Mauritius and had driven to the hospital straight from the airport around 2:30 p.m. The crowd stoned the President's car and raised slogans proclaiming Rajiv Gandhi to be their leader. The All India Radio announced Indira Gandhi's death at 6 p.m. Half-an-hour later, the President of India swore in Rajiv Gandhi as the Prime Minister. Khushwant Singh, a well known Sikh writer, a member of Parliament and a personal friend of the Nehru family, wrote: "In medieval India, deaths of ruling monarchs were not made public till a successor had been named. The practice was observed in October 1984." In the next hours, many areas of Delhi witnessed outbreak of violence. Sikh taxi and bus drivers were manhandled and their vehicles burnt. Many shops and factories owned by the Sikhs were also attacked. But there were not many killings that evening. That night, according to Khushwant Singh, "politicians belonging to the ruling Congress party met to decide how to teach the Sikhs a lesson they would never forget."

Early next morning, hordes of people from the suburbs of Delhi were transported to various localities in the city where the Sikh population was concentrated. The mobilization suggested the backing of an organization with vast resources. The criminal hordes descending on the city carried crude weapons like iron rods, knives, clubs and combustible material, including kerosene, for arson. They were also supplied with lists of houses and business establishments belonging to the Sikhs in various localities. The government controlled television Doordarshan, and the All India Radio began broadcasting provocative slogans seeking bloody vengeance, "*khoon ka badla khoon se lenge* (Blood for blood!)". Murderous gangs of 200 or 300 people led by the leaders, with policemen looking on, began to swarm into Sikh houses, hacking the occupants to pieces, chopping off the heads of children, raping women, tying Sikh men to tires set aflame with kerosene, burning down the houses and shops after ransacking them. Mobs stopped buses and trains, in and out of Delhi, pulling out Sikh passengers to be lynched to death or doused with kerosene and burnt alive. In some areas, the Sikh families grouped together for self-defence. The police officials then arrived to disperse them, by force when persuasion did not work. In other areas, the police searched the houses for weapons including ceremonial daggers, and confiscated them before the mobs came. Over the next five days, nearly 3,000 Sikhs were killed. Khushwant Singh realised "what Jews must have

adopted the diversionary ploy of charging four prominent Sikh leaders, including Simranjit Singh Mann, of participating in the conspiracy to kill Mrs. Gandhi. The case was withdrawn following the defeat of the Congress party in the general elections held in November 1989. – Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Op. Ct.* pp. 294-6.

felt like in Nazi Germany". He concluded: "The killing assumed the proportion of a genocide of the Sikh community."⁹⁵

The rehabilitation camp that I had helped set up in Shakarpur, a trans-Jamuna locality of Delhi, housed 2,000 refugees, among them a large number of widows and children who shared with me their nightmarish experiences. The Delhi pogrom has been documented by several organizations. The People's Union for Civil Liberties and the People's Union of Democratic Rights published a joint report, called *Who are the Guilty?* The report says that "the attacks on the members of the Sikh community in Delhi... far from being spontaneous expressions of 'madness' and of 'grief and anger' at Mrs. Gandhi's assassination, as made out by the authorities, were the outcome of a well organized plan marked by acts of both deliberate commission and omission by important politicians of the Congress and by authorities in the administration..." The report mentions the names of 16 important Congress politicians, 13 police officers and 198 others, accused by survivors and eye-witnesses. The report by the Citizens for Democracy, led by former High Court Justice V. M. Tarkunde, concluded that the "carnage was orchestrated by the ruling party". Yet another investigative report compiled by a team of prominent citizens including retired Chief Justice of the Supreme Court, S. M. Sikri, former civil servants Badruddin Tyabji, Rajeshwar Dayal and others, came to the same conclusions.⁹⁶

The government decided to close down 28 "temporary homes", set up by an organization called the Nagrik Ekta Manch (Citizens Unity Forum) to shelter Delhi's uprooted Sikhs. These "homes" had become the focal points for the documentation of the carnage, which the government wanted to cover up. Before closing the "homes", the government proposed to monetarily compensate the victims with Rs. 10,000 for a death in the family, Rs. 5,000 for substantial destruction of property, Rs. 2,000 for injury and Rs. 1,000 for insubstantial harm to property. These amounts, at the current exchange rate of Rs. 44 to 1, are approximately \$ 225, \$110, \$45 and \$22. These figures show the official evaluation of the worth of the lives destroyed, their physical and psychological integrity and their hard-earned properties. No compensation was given for the destruction of household items, consumer goods and merchandise in business establishments and industrial assets.⁹⁷

Early in January 1985, journalist Rahul Bedi of *The Indian Express* and Smitu Kothari of the People's Union for Civil Liberties moved the High Court of Delhi to demand a judicial inquiry into the pogrom on the strength of the documentation carried out by human rights organizations. Justice Yogeshwar Dayal dismissed the petition after deprecating "those busybodies out for publicity, who poke their noses

⁹⁵ *Who are the guilty?* A joint report by the People's Union for Democratic Rights and People's Union for Civil Liberties, New Delhi, 1984; *31 October to 4 November 1984*, Citizens' Commission, Delhi, 1985; *Truth about Delhi Violence: A report from the Citizens for Democracy*, New Delhi; *The Sikhs: The Minority Rights Group Report*, No. 65, Christopher Shackle, London 1986, London; Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Op. Ct.*, p. 1; Khushwant Singh, *My Bleeding Punjab*, UBS Publishers' Distributors Ltd., Delhi, 1992, pp. 88-96; J. S. Grewal, *The Sikhs of the Punjab, Op. Ct.*, p. 229; M. J. Akbar, *India: The Siege Within*, Penguin Books, Harmondsworth, 1985, p. 109.

⁹⁶ *Who are the guilty?* A joint report by the People's Union for Democratic Rights and People's Union for Civil Liberties, New Delhi, 1984; *31 October to 4 November 1984*, Citizens' Commission, Delhi, 1985; *Truth about Delhi Violence: A report from the Citizens for Democracy*, 1984, New Delhi.

⁹⁷ *The Delhi Massacre: An Example of Malicious Government* – <http://ds.dial.pipex.com/town/square/ev90495/delhi.htm> page 9 of 10.

into all matters and waste the valuable time of the judiciary.”⁹⁸

In the 18 years since the massacre occurred, seven commissions of inquiry have been set up to investigate the Delhi carnage. The first commission of inquiry appointed by the Rajiv Gandhi government in 1985 under Justice Ranganath Mishra of the Supreme Court served the purpose of covering-up the role of the Congress party leaders in organizing and executing the carnage. As a reward, the Congress government appointed Mishra as the first chairman of the NHRC after his retirement as the Chief Justice of the Supreme Court. Currently, Mishra is a Congress MP.⁹⁹ The last of the commissions under retired Supreme Court judge G. T. Nanavati, appointed by the Union government on 10 May 2000, has still not been able to complete its work. Several credible media reports attribute the delay to the lethargic attitude of the Union home ministry itself. A *Frontline* report points out that the ministry is claiming the inability to trace several important records, required by the commission, including the communications among the home ministry, the ministry of defence, the Army and the Lt. Governor of Delhi, and the minutes of the meetings held by then home minister P. V. Narashimha Rao with his officials between 31 October and 5 November 1984. The Union home ministry has also not been able to provide copies of depositions made before the Justice Ranganath Mishra Commission by then Chief of the Army Staff, General A. S. Vaidya, Major-General A. S. Jamwal and Major J. S. Sandhu.¹⁰⁰ Meanwhile, several victim families have written to the commission that they have been receiving threats accompanied by physical violence, to withdraw their complaints.¹⁰¹ There are indications that the Nanavati Commission too will fail to serve the ends of justice. The commission under Justice R. S. Nirula, established by the chief minister of Delhi in December 1993, in its report had called for action against 72 police officials and 21 others, including Congress politicians. The report had pointed out that a 26,646 strong police force, including its officers, for a city with 6.5 million people in 1984, meant that there was one policeman for roughly 240 citizens. This was a sufficient force to stop the carnage if the police had wanted to act.¹⁰² However, as Amnesty International complained in a memorandum to the Government of India, none of the recommendations of these commissions have been implemented, “nor have any of the accused policemen and politicians been brought to justice”. Amnesty International also observed that the Delhi administration’s director of prosecution wanted the cases against the indicted policemen to be dropped.¹⁰³ The Delhi administration argued that there was insufficient evidence to obtain their conviction.

This issue of evidence was taken up by the additional sessions judge of Delhi, S. N. Dhingra, who examined some of the cases pertaining to the November 1984

⁹⁸ Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Op. Ct.*, p. 1.

⁹⁹ *The Indian Express*, 3 October 2000, Manoj Mitta, “1984 riots – 10,000 affidavits filed” – <http://www.indian-express.com/ie/daily/20001003/ina03069.html>

¹⁰⁰ *Frontline*, Volume 18, Issue 13, June 23 – July 6, 2001, Naunidhi Kaur, “Commission of Inquiry: Justice delayed”, — <http://www.flonnet.com/f11813/18130910.htm>

¹⁰¹ *The Indian Express*, 25 October 2000, Anuradha Nagaraj, “Complainant’s cousin roughed up” – <http://www.indian-express.com/ie/daily/20001025/ina25016.html>

¹⁰² *Frontline*, Volume 19, Issue 1, January 05 – 18, 2002, Naunidhi Kaur, “Commissions of Inquiry: Crime and Connivance” – <http://www.flonnet.com/f11901/1901810.htm>

¹⁰³ AI Index: ASA 20/20/94 Memorandum to the Government of India: *Arising from an Amnesty International visit to India 5-15 January 1994*, <http://www.amnesty.org/ailib/1994/ASA/202094.ASA.txt>

pogrom. In a 92-page judgment, delivered on 28 August 1996, Judge Dhingra accused the police, the administration and the government of deliberately suppressing and destroying the evidence. The judgment categorically said that the government “protected all those connected with the 1984 riots”, the actual murderers and their mentors within the police and the political establishment: “The inaction of the police, the inaction of the government and the administration in the riot cases was a well thought out process. It was necessary to save those who were involved in the crime. Perhaps it was considered by the rioters and the rulers alike that the massacre was necessary to teach a lesson and those who engineered the mass murders must be protected.” The judgment concluded: “Unless the system rewrites itself and the investigating agencies are liberated from the clutches of the executive, there is little possibility of faithful and honest investigation by investigating agencies against influential and politically powerful offenders.”¹⁰⁴

In March 1998, the Union and the state government of Delhi banned a new book on the Delhi massacre. The book has been authored by an eyewitness, Gurucharan Singh Babbar, who has persistently campaigned for justice. The book draws mainly from eyewitness accounts and also accuses the judiciary of acquiescing in the process of the cover-up. The decision to ban the book was taken after the Delhi High Court admitted a petition from a Hindu praying for its proscription. The bench of the high court that heard the petition approved the government’s decision to “out-law the book from further publication, distribution and sale.”¹⁰⁵ That is the kind of consensual commitment to suppress inconvenient truth that proves the veracity of what Naipaul told an Indian magazine *Outlook*: “Defeated people never write their history. The victors write the history... For people on the other side it is a period of darkness.” Naipaul was explaining the absence of the Hindu historical chronicles about the Muslim invasion of India. The point applies, with equal force, to the situation of the minority communities in the peripheral states of India today.

Abortion of a Peace Accord

Jaswant Singh Khalra, although from Amritsar, had no truck with Jarnail Singh Bhindranwale. He did not agree with the manner in which Bhindranwale was radicalizing the Sikh masses. In his opinion, they were easily provoked and often took on formidable fights without weighing their strength and the state of preparedness. He recognized that Bhindranwale was instrumental in channelising the Sikh aspiration for justice and gathered young and underprivileged people around him, unlike the Akalis who worked only with the established and prosperous elements in the Sikh society. But he disagreed with the manner and the pace at which he precipitated the armed confrontation between the Sikhs and the Government of India. In his opinion, people’s struggles for substantial reforms within the established order could not be won by the use of violence.

Jaswant was surprised when, soon after winning the elections, Rajiv Gandhi released important Akali leaders from detention to negotiate with them a peace

¹⁰⁴ *The Hindu*, 29 August 1996, 1984 riots: Strictures against Govt.

¹⁰⁵ *Rediff On The Net*, March 23 1998, ‘Communal’ Sarkari qatl-e-aam banned.

accord that he signed with Harcharan Singh Longowal, their president, on 25 July 1985.

The accord delineated 11 points of common consent, making the following main concessions. It promised: (a) To transfer Chandigarh to Punjab by 26 January 86; (b) To set up tribunals presided over by Supreme Court judges to adjudicate the river water and territorial disputes; and (c) To refer the Akali resolution for provincial autonomy to a commission appointed to recommend changes in the "Centre-state relationship to bring out the true federal characteristics of our unitary Constitution". The accord also promised to inquire into the Delhi killings of November 1984, to withdraw the Armed Forces Special Powers Act and to restore the rule of law and human rights in Punjab. The accord paved the way for the restoration of a popular government in the state.

Longowal was assassinated 26 days after he signed the accord by militants who called it an act of betrayal. However, Longowal's moderate successor, Surjit Singh Barnala, led the party to a thumping victory in the state assembly elections held in September 1985 by winning 72 out of 117 seats. Although the Sikh extremists were unhappy about the compromise with a Central government that had destroyed the Golden Temple, Barnala stood by the terms of the accord that had promised to "usher in an era of amity, goodwill and cooperation" between the Sikhs and the Indian Union.¹⁰⁶

The Central government repudiated its part of the accord in its entirety. Chandigarh was not transferred to Punjab as promised. The commissions on the river waters and territorial disputes were scuttled. Those guilty for the November 1984 massacre of the Sikhs remained unpunished. The examination of the Centre-states relationship was restricted to an investigation "within the basic structure of the Constitution".

On 26 January 86, a large congregation of Sikhs gathered at the site of the demolished Akal Takht to review the political developments in the state. That day, the top headline of all newspapers announced the government's decision to shelve the main part of Longowal's accord with Rajiv Gandhi: The promise to transfer Chandigarh to Punjab before 26 January 1986.

Four days ago, the court that had been trying the case of Indira Gandhi's assassination handed out its judgement. All the accused were sentenced to death by hanging.¹⁰⁷ These news reports, read out to 30,000 participants, carried home the point that India would not make the smallest concession to the Sikhs.¹⁰⁸ The political resolution adopted by the congregation said that if the assassins of Indira Gandhi were hanged, they would become the first martyrs of Khalistan. The congregation also appointed a five-member panel called the Panthic Committee to guide the Sikh struggle to its goals, allegedly betrayed by the incumbent Akali government.¹⁰⁹

¹⁰⁶ Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Origin, Evolution and Present Phase*, ibid, p. 270. Longowal was assassinated on 20 August 1985, 26 days after he signed the accord with the Indian Prime Minister.

¹⁰⁷ *The Tribune*, 23 January 1986, Indira murder case: Satwant two others to die.

¹⁰⁸ *The Tribune*, 26 January 1986, Punjab, Haryana decisions deferred - Mathew Panel Report: City status unchanged.

¹⁰⁹ *The Tribune*, 27 January 1986, Sarbat Khalsa dissolves SGPC: Akal Takht Chief sacked; *The Tribune*, 28 January 1986, New Takht chief installed.

At another congregation, called Sarbat Khalsa, held on 13 April 1986, adopted a political resolution asking the Sikhs to break the shackles of slavery to India. A fortnight later, the Panthic Committee declared the “formation of Khalistan”, also creating its own army called the Khalistan Commando Force that would fight for that objective.¹¹⁰

The next day, the Punjab government sent troops to the Golden Temple to flush out the separatists. But the members of the Panthic Committee had already disappeared.¹¹¹

The symbolic raid however, helped the militant cause by precipitating a split in the Akali Dal government. An influential section of the party, with 27 members of the state legislative assembly, broke away from the government to form a separate group. The four most important leaders of the Akali Dal – Tohra, Badal, Sukhjinder Singh and Amarinder Singh – left the government over this issue.¹¹²

In October 1987, the Union government dismissed the elected Akali government in Punjab on the ground that it was unable to safeguard the Hindu interests in the state from Sikh militant attacks.¹¹³

Jaswant Singh Khalra was very unhappy at these developments. He believed that they could only inflict more suffering and injury on an already bleeding Punjab and help the state deflect attention from the real issues. He was also very disturbed about the way the state agencies were strengthening the apparatus of repression without any reference to the rule of law.

In 1981, Jaswant Singh married Paramjit Kaur, sister of his college friend from Faridkot district. Paramjit had a post-graduate degree in Punjabi literature and a bachelor’s degree in library science. Soon after their marriage, Paramjit was appointed as a librarian at Guru Nanak Dev University in Amritsar and she took over the responsibility of running the household on her salary. The arrangement suited Jaswant Singh who spent his own salary on his social and political activities. Paramjit never bothered him about household matters. He never interfered in her domestic sphere and never asked how she spent her salary.

The situation in Punjab had been steadily deteriorating. Reports of police atrocities, — illegal abductions, custodial torture, enforced disappearances, killings in faked encounters and false stories of escapes from police custody, brazen abuse of laws like TADA – were daily on the rise amidst the escalation of the Sikh separatist violence. Jaswant Singh daily came across cases of suspected Sikh separatists and their sympathizers who were whisked away by unidentified officials of the Indian security agencies, appearing out of the blue, in vehicles without number plates, to be taken to undisclosed places for interrogation and to disappear for ever. He was also very anguished by the mindless violence perpetrated by the armed Sikh groups, especially against innocent members of the Hindu community. To take up these issues, Jaswant Singh formed a *Daman Virodhi* Front – Anti-Repression Front. To

¹¹⁰ *The Tribune*, 13 April 1986, Sarbat Khalsa Today: Plan to avert showdown; *The Tribune*, 14 April 1986, Severe attack on Akali Ministry: Sarbat Khalsa for new SGPC.

¹¹¹ *The Tribune*, 1 May 1986, Security men enter temple complex: Curfew in 18 Localities; Resolve to Launch fight to the finish; *The Tribune*, 2 May 1986, Police action successful: One killed in firing.

¹¹² *The Tribune*, 3 May 1986, Badal Tohra leave Dal Panel: Two Punjab Ministers quit; *The Tribune*, 7 May 1986, Twenty seven Dal MLAs form new party: Government reduced to minority.

¹¹³ Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle*, *ibid*, p. 276.

be able to devote all his time to the tasks of monitoring human rights and intervention, Jaswant Singh resigned from his position as the panchayat secretary. His department, however, never accepted his resignation. But Jaswant Singh did not report to his office after November 1987 and devoted most of his time to following up the cases of people who were under imminent threat of torture and elimination following their illegal arrest. In the vast majority of cases, Jaswant Singh's exertions failed to yield results and those abducted by the security forces simply disappeared. Sometimes, he managed to get people released from illegal custody. These successes, although rare and far too few to make much difference, gave him immense satisfaction. Jaswant Singh also openly criticized the separatist militants for targeting innocent civilians. Once, he went on a five-day hunger strike to protest against the killing of Hindus by unidentified armed militants in his area. Some of his sympathizers warned him against condemning the militant groups so publicly. But Jaswant Singh maintained that the prohibition on the taking of innocent lives was equally binding on both state and non-state forces. He publicly announced that unless the revolutionary groups had the discipline to strictly enforce the prohibition on their rank and file, their cause ceased to have legitimacy.

Election Hopes

The year 1989 concluded with a dramatic change in the political situation at both the national and state level. It promised a way out of the bloody strife in Punjab through a negotiated settlement between the representatives of the radical political opinion in Punjab and the leaders of the Indian government. The change followed the general elections in December 1989 that returned the candidates belonging to the radical wing of the Akali Dal under Simranjit Singh Mann, from 10 out of 13 constituencies in the state and also elected the Janata Dal, under V. P. Singh, to a majority in Parliament at the national level.

Simranjit Singh Mann, a 1967 batch Indian Police Service officer from the Punjab cadre, belongs to a politically influential family and is related to the scion of Patiala royalty Amarinder Singh, the current chief minister of Punjab, through his marriage. His wife Geetinder Kaur and Amarinder's wife are sisters. His father Joginder Singh was a former Speaker of the Punjab legislative assembly. In 1978, Mann was posted as an SSP of Faridkot district, which included Jarnail Singh Bhindranwale's native village. Over the next years, Mann was known to have developed friendly ties with Bhindranwale. The government found out about this link and, in 1983, transferred him to the railways, as an assistant inspector-general (DIG). The government would probably have dismissed Mann from the service if Amarinder Singh had not intervened. During Operation Blue Star, Mann was posted as the DIG of the Central Industrial Security Force (CISF) at Bombay. After Operation Blue Star, Mann wrote a strong emotional letter to President Zail Singh upbraiding him for not resigning from his position after the Indian Army, under his supreme command, had destroyed the Akal Takht. Mann also resigned his own position and went underground. In November 1984, he was arrested while trying to cross the border into Nepal, ostensibly to organize the Sikh resistance from abroad. Later, he was also charged with conspiring to assassinate Indira Gandhi. His defiance of the

government made him very popular with the Sikhs. Mann had already been nominated as the president of the United Akali Dal, a party launched by Bhindranwale's father who had been persuaded by the extremists to become the pivot of a new political alignment.¹¹⁴

When the government announced parliamentary elections for the end of 1989, Mann declared his candidacy from Tarn Taran constituency, although he was still a prisoner. He also fielded his candidates from eight parliamentary constituencies in Punjab. The results belied the predictions of the political pundits that the division in the Sikh vote between the radical and moderate Akali factions would benefit the Congress. The group under Mann swept the polls by bagging six out of 13 parliamentary seats in Punjab. Four additional constituencies elected independent candidates who had received his blessings. Mann himself created a record in his constituency by polling 527, 707 out of the total of 591,883 valid votes cast.¹¹⁵

At the national level, the Congress lost the elections to the Janata Dal, a new formation under V. P. Singh who had resigned his position as the finance minister under Rajiv Gandhi to accuse the latter of gargantuan corruption in arms deals. The manifesto of the Janata Dal had promised to end the abuse of civil liberties in Punjab, and to solve the unrest in the state through dialogue in a democratic spirit.

Returning from prison to Punjab in his new role as a political leader, Mann promised to strive for the fulfilment of Sikhs' aspirations by adopting the constitutional means. Speaking to the massive crowd that gathered to welcome him in Punjab on 3 December 1989, Mann said: "First we would try out the constitutional ways to get the demands of the Sikhs fulfilled... If the government fails to satisfy the Sikhs, we shall follow a path according to our nation's consensus." According to the newspaper reports, there was no trace of either bitterness or hubris in his meek voice.¹¹⁶ After consulting all the organisations involved in the struggle, Mann set out five preconditions for the Central government to fulfil before they could discuss more substantial political questions. They were:

(1) It should express repentance and seek forgiveness for the Army assault on the Golden Temple; (2) It should adopt a condolence motion in both the Houses of Parliament to commemorate those Sikhs who had been killed during the November 1984 riots, and take steps to punish those who had orchestrated the anti-Sikh carnage; (3) It should release from prisons and reinstate those Sikh soldiers who had revolted in the wake of the Operation Blue Star; (4) It should register criminal proceedings against the officials in Punjab including governor Siddharth Shankar Ray, his police advisor Julio Ribeiro and DGP K. P. S. Gill who excelled all in the policy of blind repression; (5) It should repeal the black laws that violated the fundamental rights of citizens and withdraw from Punjab the paramilitary forces occupying the state.¹¹⁷

For a government that had promised justice and restoration of democracy, these conditions should have been agreeable. But the new government, whose Prime

¹¹⁴ Kumar, *The Sikh Unrest*, *ibid*, pp. 241-2, 274-276; Harbans Singh, *The CBI File-2*, ND, 1989, pp. 74-75

¹¹⁵ *ibid*, pp. 275-276.

¹¹⁶ Quoted in Kumar, *The Sikh Unrest*, *Op. Cit.* p. 287

¹¹⁷ Kumar, Sieberer, *The Sikh Struggle*, *ibid*, pp. 383.

Minister staged a theatrical drive through the crowded lanes of Amritsar in an open jeep and proclaimed that “a new era has begun”, decided not to come under pressure by accepting their preconditions for a “dialogue”. The most bizarre of all was the decision of the government to hold consultations with those moderate groups of the Akalis who had been routed in the elections. These leaders, like Prakash Singh Badal and Surjit Singh Barnala, advised the Central government not to hold elections to the state assembly as they feared an abrupt end to their own political careers in the new climate.¹¹⁸ The Janata Dal government not only decided to withhold the assembly elections, thereby thwarting the process of democracy, but also to retain those police officials who had earned notoriety for human rights violations. “Improving law and order”, a euphemism for continuation of the ‘Police Raj’, remained the guiding principle of the new government’s policy. This, combined with the media build-up that portrayed the new Sikh team as a bunch of fanatics, destroyed whatever chance there may have been in resolving the conflict through a rational process of compromise.

Mann could not establish a rapport with the new government, even as the situation in Punjab became increasingly anarchical. On 21 December 89, the security personnel at the Parliament House refused permission to a newly elected Sikh member Dhyan Singh Mand to enter the House along with his sword. Mand refused to take the oath of his membership without it. Mann himself declined to enter Parliament unless the government allowed the newly elected members to carry their swords into the House.¹¹⁹

Poll Boycott

The V. P. Singh government fell in November 1990, through defections engineered by his own party’s president, Chandrashekhar. The Congress under Rajiv Gandhi installed him as the Prime Minister by supporting his breakaway group of 54 in the House of 542. The Congress withdrew the support in March 1991, forcing fresh polls. Chandrashekhar had been hobnobbing with the Sikh militant organizations with the hope of solving the problem of unrest, to show it as an achievement for his term as the Prime Minister of India. He decided to hold simultaneous elections to Parliament and the state assembly in Punjab, a decision that all other national parties vociferously opposed.¹²⁰

Most of the Sikh militant organizations themselves called for a boycott of the elections. The separatist militants gunned down candidate after candidate, even as 80,000 paramilitary personnel and eventually the Army drove around in their armored vehicles. More than 20 candidates fell to the militant bullets as the period of campaigning drew to an end. Our cases also implicate police officials in some of the

¹¹⁸ *The Tribune*, 7 December 1989.

¹¹⁹ Kumar, Sieberer, *ibid*, p. 384; *The Tribune*, 4 December 1989.

¹²⁰ *The Tribune*, 17 March 1991, Poll possible in Punjab, J&K: PM; *The Tribune*, 1 April 1991, PM firm on solving Punjab problem; *The Tribune*, 25 March 1991, All efforts to hold poll in Punjab, J&K: PM; *The Tribune*, 1 April 1991, PM firm on solving Punjab problem; *The Tribune*, 12 April 1991, Lok Sabha, Assembly poll in Punjab, Assam; *The Tribune*, 17 March 1991, Govt keen on holding poll in Punjab; *The Tribune*, 19 March 1991, RV may resist poll in Punjab; *The Tribune*, 21 March 1991, Punjab poll now to destroy democracy; *The Tribune*, 4 April 1991, RV urged not to hold poll in Punjab.

killings. Chandrashekar's home minister, a candidate for Parliament from Ludhiana, providentially escaped an attempt on his life. Rajiv Gandhi, visiting Chandigarh on May 14, promised to cancel the polls in Punjab if his party got elected to Parliament with a majority. The Congress was returned as the single largest party in Parliament, although Rajiv Gandhi himself was killed by a woman member of Liberation Tigers of Tamil Elam (LTTE), a Tamil separatist guerilla group in Sri Lanka. Narasimha Rao of the Congress party became the Prime Minister and instructed the Election Commission to cancel the polls in Punjab.¹²¹ KPS Gill, whom Chandrashekar had transferred to Delhi as the chief of the Central Reserve Police Force (CRPF), returned to Punjab once again as the director general of police.

Jaswant Singh recognized that the Centre had changed party hands three times since the dismissal of Barnala's government in Punjab in October 1987. However, these changes made no difference either to the government's political approach in regard to the problem of unrest in Punjab nor to the basic patterns of police functioning in the state. From the very beginning, political elements within the government are known to have hobnobbed with one militant faction or the other. However, there never was any attempt to initiate discussions with the extremist groups on the basis of concrete issues that constituted the foundation of Sikh discontent. All overtures and contacts were always essentially mercenary in nature, based on calculations of short-term political advantages and negating the prospects of transparent deliberations on the merits of the issues involved.

In November 1991, Punjab was brought under the Disturbed Areas Act, which gave the security forces extensive powers to search, detain and interrogate anyone without judicial warrants. Along with these steps, the Central government announced that the elections to Parliament and the state assembly for Punjab would be held in the first quarter of 1992. A meeting of all the major Akali Sikh groups held on 4 January 1992 decided to boycott the elections.¹²² The government reported 28 per

¹²¹ *The Tribune*, 21 March 1991, Bomb Found on Governor's route; *The Tribune*, 3 February 1991, DGP Mangat hurt in Blast; *The Tribune*, 6 March 1991, Buta Singh's relative kidnapped; *The Tribune*, 20 March 1991, Militants release Bhatia's relative; *The Tribune*, 29 February 1991, Mann calls for Azadi; *The Tribune*, 16 April 1991, EC asked to take note of Mann's statements; *The Tribune*, 4 April 1991, RV urged not to hold poll in Punjab; *The Tribune*, 16 April 1991, EC asked to take note of Mann's statements; *The Tribune*, 19 April 1991, Reply to RV'S Memo: Cabinet sticks to poll decision; *The Tribune*, 12 May 1991, The deal behind Punjab poll; *The Tribune*, 20 April 1991, Poll challenge to Nationalists: Yash; CPM not to take part in Punjab poll; *The Tribune*, 25 April 1991, Fair poll in Punjab impossible: Rajiv; *The Tribune*, 26 April 1991, Cong[I] to boycott poll in Punjab; *The Tribune*, 12 June 1991, Left to boycott Punjab poll; *The Tribune*, 30 April 1991, Rajiv's reservations on Punjab poll; *The Tribune*, 15 May 1991, Punjab poll won't be fair: Rajiv; *The Tribune*, 5 May 1991, No direct talks with militants: PM; *The Tribune*, 3 May 1991, US Report: 5000 civilians died in Punjab; *The Tribune*, 7 February 1992, USA praises India's anti-militancy steps; *The Tribune*, 14 May 1991, Govt-Militant talks in Amritsar stalled; *The Tribune*, 15 May 1991, Talks outside Punjab, militants told; *The Tribune*, 23 May 1991, Army curfew in several areas; How Rajiv began his fateful day; Lakhs file past Rajiv's body; *The Tribune*, 25 May 1991, Plastic belt bomb killed Rajiv Gandhi; *The Tribune*, 25 May 1991, No change in poll dates: EC; *The Tribune*, 17 June 1991, Cong [I] heads for big win; *The Tribune*, 18 June 1991, Cong[I] continues victory march; *The Tribune*, 19 June 1991, Cong[I], Allies still short of majority; *The Tribune*, 21 June 1991, Rao elected CPP[I].

¹²² *The Tribune*, 18 January 1992, Akalis to boycott poll; *The Tribune*, 28 December 1991, Tohra for boycott of elections; *The Tribune*, 29 December 1991, Badal for debate on C'wealth issue; *The Tribune*, 5 January 1992, Akali factions to boycott poll; *The Tribune*, January 3, 1992, Ordinance on poll law approved; *The Tribune*, 20 January 1992, Campaigning cut to 14 days.

cent of polling. The turnout in the urban areas was between 25 and 40 per cent. In the rural constituencies it was between 5 and 20 per cent. The results declared on 20 February, returned the Congress with a two-thirds majority in the state assembly. Beant Singh, who had been dismissed from the Darbara Singh ministry in 1983 on the charge of having instigated a fake encounter, formed a Congress ministry as the new chief minister of Punjab.¹²³

The state government projected its 'success at the hustings' – a predictable consequence of the poll-boycott by the main Akali groups – as the democratic mandate that it had received to stamp out the Sikh separatist militancy by whatever means. Several human rights groups in Punjab, although disorganised and faction-ridden, had been embarrassing the government by publicising police excesses. The government under chief minister Beant Singh decided it had to silence these groups before tackling the larger problems of militancy in Punjab's countryside.

Silencing of Human Rights Groups

Ram Singh Biling, a reporter with the Punjabi daily newspaper *Ajit* and the secretary of the Punjab Human Rights Organisation (PHRO) for his home district of Sangrur, was picked up and unceremoniously executed soon after the Congress government took office. Then came the turn of Ajit Singh Bains, retired judge of the Punjab and Haryana High Court and chairman of the PHRO. His illegal arrest in April 1992 was not acknowledged for two days. Bains was manhandled, abused and publicly exhibited in handcuffs. Later, his arrest was formalised under TADA. The accusation was that Bains had taken part in a secret meeting of militant leaders, held at Anandpur on March 18, where they hatched a conspiracy to carry out "terrorist actions". An inquiry later ordered by the High Court of Punjab established that Ajit Singh Bains' name did not figure in the original first information report about the "illegal meeting". However, the idea of arresting Bains was not to secure his conviction under the law, but to paralyse the PHRO, and to demoralise other human rights groups with the example. Chief minister Beant Singh told the state legislative assembly on April 6 that his government would not release Bains because his organisation was engaged "in defending terrorists".¹²⁴

On 18 May 1992, Amritsar police picked up Param Satinderjit Singh, a student of Guru Nanak Dev University, from the university campus. He was forced to identify suspected sympathisers of the separatist cause within the university, who were also picked up. The police brought Param Satinderjit Singh to the university campus several times for this purpose. The university students held a demonstration to protest against the abduction and his father went on a hunger strike. But Param Satinderjit Singh was not released. There was no trace of him thereafter.

The Punjab government kept up the pressure on the PHRO by arresting Malwinder Singh Malli, general secretary of the organisation, in August 1992. Malli

¹²³ *The Tribune*, 18 February 1992, Army to protect voters; *The Tribune*, 20 February 1992, Peaceful poll, low turnout; *The Tribune*, 24 February 1992, Yogendra Yadav, Lowest turnout, uneven spread; *The Tribune*, 21 February 1992, Two thirds majority for the Congress; *The Tribune*, 25 February 1992, Beant to form ministry today.

¹²⁴ 25 April 1992, *Mainstream*, Rule of Law in Punjab.

was also the editor of “*Paigam*”, a vernacular journal affiliated with a Marxist-Leninist group whose work in the field had led to several exhaustive reports on police atrocities.

A human rights lawyer, Jagwinder Singh, was picked up from his house in Kapurthala by a group of uniformed policemen on 25 September 1992 evening. Although the chief minister and the chief secretary promised to intervene, Jagwinder Singh was never seen again. Elimination of Ram Singh Biling and Jagwinder Singh, and arrests of Ajit Singh Bains and Malwinder Singh Malli effectively paralysed the regional human rights groups. Now the security forces could give undivided attention to eliminate the ring-leaders of the separatist militancy.

The Sikhs of Punjab had never clearly understood the rationale of the militants’ objectives. These groups in their hay-day had generally relied on atavistic sympathies in the peasantry to find hideouts and had received enough support to maintain their operations. But now, with the rural Sikhs in total dismay over the new state of affairs, militants found themselves helpless against the security forces that began to hunt them down like fair game. Thus, within six months of assuming office, the Beant Singh government was able to paralyse the Sikh militant movement. Main leaders of guerrilla outfits were either killed or compelled to flee the scene. Hundreds of them also surrendered. Thousands of others suffered torture in custody, long periods of illegal imprisonment and myriad other forms of physical and psychological torment.¹²⁵

Early Investigations by Jaswant Singh Khalra

Following the decimation of the guerrilla groups under Beant Singh’s government in Punjab, cleansing the countryside of militant sympathisers became the next main task of the security forces in the state. According to the police figures, published in 1993, security forces in Punjab killed 2,119 militants in the year 1992 under the euphemism of “encounters”. A larger number of people in the border districts, picked up by the police for interrogation, simply “disappeared”. Reports published in the *Pioneer*, an English daily published from New Delhi, on 26 and 27 March 1992 suggested that many of the “disappeared” were killed and their bodies quietly dumped into Punjab’s irrigation canals. These newspaper reports said the government of Rajasthan had formally complained to the Punjab’s chief secretary that the canals were carrying large number of dead bodies into the state. The report also said that many bodies, their hands and feet tied together, were being fished out when water in-flow in canals was stopped for repair works.

The question of what happened to the large number of people declared ‘disappeared’ by the police in Punjab had been intriguing Jaswant Singh Khalra who, in the meantime, had joined the human rights wing of the Akali Dal and, together with Jaspal Singh Dhillon and Amrik Singh Muktsar, the chairman and the

¹²⁵ I have extensively documented the historical context of the Sikh separatist violence and its political and psychological aspects in my second book on Punjab. See Ram Narayan Kumar, *The Sikh Unrest and the Indian State: Politics, Personalities and Historical Retrospective*, Ajanta Publication, New Delhi, 1997.

vice-chairman of the wing, had been trying to make the Akali Dal adopt the issues of justice and the rule of law as serious components of its political agenda. Jaswant Singh was the general secretary of the wing.

In the middle of 1994, the police illegally arrested Dara Singh, the director of a cooperative bank in Amritsar district who was also a personal friend of Jaswant Singh. Dara Singh was interrogated under torture and later killed as an unidentified militant in a fake encounter. Jaswant Singh followed the case very closely and found out that the police had cremated his body at Durgiana Mandir cremation ground by labeling it as “unidentified and unclaimed”. The discovery made him investigate and he was able to peruse the records of cremations carried out by the police officials at Durgiana Mandir cremation ground in 1992. The records showed that in 1992 alone, the police had cremated 300 bodies by labeling them “unidentified” or “unclaimed”. The names of 112 victims were actually recorded in the registers maintained at the office of the registrar of births and deaths at Amritsar. The records also showed that 41 out of these 300 had died of bullet injuries. No reasons were noted about the cause of death of the remaining 259 persons. The records showed post-mortem reports for only 24 bodies.

After making these discoveries about the police cremations at Durgiana Mandir cremation ground in Amritsar, Jaswant Singh tried to find out about similar cremations at Patti and Tarn Taran cremation grounds. In Patti, Jaswant Singh was able to go through the wood purchase register maintained at the cremation ground in which the identity and the address of the dead, along with the cremation date and the name of the cremating person were mentioned. The register showed that the police officials had burnt 538 dead bodies, after declaring them “unidentified” or “unclaimed”, in the period from January 1991 to October 1994. Jaswant Singh discovered similar cremations at Tarn Taran, but was unable to obtain copies of the records.

On 16 January 1995, the human rights wing of the Akali Dal held a press conference at Chandigarh and released a press note about these discoveries. The press release, signed by Jaswant Singh Khalra and Jaspal Singh Dhillon, mentioned that their investigations, based on the examination of firewood purchase registers for 1991 and 1992 revealed 400 hundred illegal cremations in Patti, 700 at Tarn Taran and about 2,000 cremations at Durgiana Mandir cremation ground in the period from June 1984 to the end of 1994.

The press release pointed out that the police had been carrying out these cremations in violation of rule 25.38 in chapter 25 of the Punjab Police Rules 1934, under the Police Act of 1861, that lays down a clear procedure to be followed with regard to unidentified bodies. The rule requires that before carrying out the cremation, the investigating officer write down a careful description of the body, giving “all marks, peculiarities, deformities and distinctive features” and also take the finger impressions and photographs. The rule also says that the investigating officer must also “take all other reasonable steps to secure identification” and, when desirable, publish the description in the criminal intelligence gazette. After completing the process, the investigating officer should hand over the body to a willing charitable society. The police are to burn or bury the body only if no such society should come forward.¹²⁶

¹²⁶ *The Punjab Police Rules 1934, Chapter XXV, Rule 25.38.*

The press release pointed out that the police had carried out the cremations, in violation of rule 25.38, even when the identities and the village of residence of the dead persons were included in the police reports. It further added that the investigating team of the Akali Dal's human rights wing had made these discoveries after examining the records of only three cremation grounds. These discoveries showed the patterns followed by the Punjab police throughout the state that should be thoroughly investigated by the CBI under the judicial scrutiny of the high court. The investigation should also cover secret disposal of bodies by the police by other methods, including dumping them in various rivers and canals in Punjab.

After giving several examples of persons nabbed by the police who ended up getting cremated at Durgiana Mandir cremation ground in Amritsar district, the press note pointed at the urgency to relieve the ongoing agony of "estimated 2,000 families from the district alone", who did not know what happened to their abducted loved ones, with concrete and authoritative information. In the absence of official confirmation of their death, these families could neither perform the last religious rites nor complete the bureaucratic formalities necessary to claim their departmental funds, right to operate their bank accounts and even to complete transfer of property. The press release urged the high court to intervene and make the necessary information and the death certificates available to the families.

The press conference received wide publicity. The newspapers in Punjab and some national dailies prominently reported the extraordinary revelations made by the 16 January 1995 release.

Senior Officers Threaten Jaswant Singh Khalra

On 18 January 1995, DGP K. P. S. Gill addressed a press conference in Amritsar to rebutt the allegations made by the Akali Dal human rights wing. Gill told the media persons that "thousands of Sikh youth who had left for foreign countries under fake names and documents were claiming to be missing persons killed by security forces in encounters". Gill said that the police had compiled lists of "missing persons" and had discovered that, in most cases, these persons were "missing with the consent of their parents and relatives and their whereabouts were known to their families". Some of these persons, according to Gill, "were shifting from one country to the other by changing their names and addresses".

Gill also told the newsmen about his knowledge that "the Inter Services Intelligence (ISI) of Pakistan was doing its best to revive militancy in Punjab." He said that certain Sikh organizations were receiving funds from foreign countries meant to be distributed as "pensions" to the militant families. He claimed that these organizations were keeping a "a major chunk of the money" for themselves.¹²⁷

Jaswant Singh immediately picked up the challenge and called a press conference at Amritsar on 19 January itself to defy the DGP's claims. He called the assertion that the missing persons had actually escaped to foreign countries to be a lie and, repeating his discoveries, offered to "put forth the evidence" to prove that the

¹²⁷ *The Tribune*, 19 January 1995, Missing persons not killed: Gill

persons cremated by the police as “unidentified and unclaimed” had actually been killed in the state custody, mostly in “fake encounters”. Jaswant Singh also challenged Gill to an open debate on the issue so that the people of Punjab and the international human rights community could figure out who was lying. He also repeated the claim that “more than 2,000 got murdered and then cremated by the Punjab police in Amritsar district alone”. Jaswant Singh told the Press that he planned to release the data regarding these persons in a serialized way. Jaswant Singh’s press conference received wide publicity especially in the Punjabi newspapers.¹²⁸

Soon after this significant public exchange between Jaswant Singh and K. P. S. Gill, Ajit Singh Sandhu, then SSP of Ropar district, was transferred back to Tarn Taran where he had been posted during the most virulent period of the conflict between the separatist militants and the Punjab police force. Also, Jaswant Singh began to receive threatening telephone calls at his residence. As Paramjit Kaur now recalls, the telephone would often ring at night and when Jaswant Singh picked them up, anonymous, abusive callers threatened to make him “disappear” if he persisted with the matter of disappearances leading to secret cremations. When Paramjit Kaur picked up the telephone, the callers either put the phone down or just abused her. The frequency of these calls were not just scary, they also disturbed the sleep of all the family members. Jaswant Singh even considered getting the telephone disconnected. But so much of his work depended on telephone that he decided against it. Policemen in plain clothes began to hang around the house and sometimes came to the house to ask for Jaswant Singh’s itinerary. He was used to such inconveniences and tried to laugh away the new level of interest the police and intelligence officials were taking in him.

Jaswant appeared upset when in February 1995, when a Congress member of the legislative assembly (MLA) from Patti constituency invited him to his house and asked him not to pursue the matter of police cremations. This was a clear warning and Jaswant Singh, unlike his normal self, looked nervous for many days. Paramjit Kaur realized that there was something wrong and nagged him to talk to her. On 27 February 1995, Jaswant called another press conference in Amritsar to announce that the Punjab government was “highly mistaken in thinking that by eliminating him the matter relating to 25,000 unclaimed bodies” in Punjab “can be put to an end”. He also disclosed that an MLA belonging to the ruling Congress party, had personally informed him that the senior police officials were seriously irked by his disclosures and wanted him to either stop the campaign or be prepared to become “an unidentified dead body” himself. He told the newsmen in Amritsar that the MLA had told him that the government, at the highest level, had given its approval for his elimination. Jaswant Singh said that he was prepared to die for the cause of justice and appealed to the people to “hold the police chief K. P. S. Gill and chief minister Beant Singh” responsible, “instead of a police cat or an inspector” if something happened to him. Jaswant specifically criticized the government’s decision to bring Ajit Singh Sandhu back from Ropar to Tarn Taran as the SSP. He pointed out that Sandhu was personally responsible for arbitrarily eliminating more than 1,000

¹²⁸ *Punjabi Tribune*, 20 January 1995, H. S. Bhanwar, Khalra challenges K. P. S. Gill for open debate

persons in the police district of Tarn Taran and was facing several court cases related to “enforced disappearance” and arbitrary executions. He alleged that the government had transferred Sandhu back into the district with the view to wipe out the incriminating evidence against him and other senior officials. Jaswant demanded a judicial commission to investigate the magnitude and heinousness of the SSP’s crimes in matters already pending before the court, instead of permitting him to intimidate or bribe the witnesses into silence.

Once again, the vernacular press gave extensive coverage to the press conference. *The Punjabi Tribune* carried nearly the full text of the statement which Jaswant Singh had issued.¹²⁹

In March 1995, Jaswant went on a visit to the US, Canada and England to publicise his findings and to meet with international human rights organizations, MPs, Congressmen and other prominent persons in public life to request them to put pressure on the Indian government to initiate a serious investigation into the matter of illegal cremations carried out by the Punjab police. In July 1995, Jaswant Singh returned to these countries for follow up meetings on the matter of illegal cremations. In Canada, he met several important politicians, including ministers, and also addressed a meeting at the Parliament Building.¹³⁰ Colleen Beaumier, an MP belonging to the Liberal Party, personally introduced him to the Speaker of Canadian Parliament before he addressed a large group of parliamentarians and others in the committee room 209 of the west block.¹³¹ These follow up meetings generated considerable publicity about the Punjab police and its method of functioning.

Vitriolic Public Exchanges

Jaswant Singh came back to Punjab on the 26 July 1995 and immediately launched an aggressive press campaign on the issues of illegal cremations and the terror tactics of the Tarn Tarn police officials to get the victim families to withdraw the petitions they had filed, under his guidance before the high court to seek redressal and remedies. A press conference he addressed in Amritsar on July 28 received good coverage in the vernacular press. The Punjabi daily newspaper *Ajit* published a prominent front page story under the heading, “Matter relating to youth declared missing by the police: What does police do for getting petitions withdrawn from the high court?”¹³²

The report focussed on the case of Balwinder Singh, head constable with the Tarn Taran police and the nephew of a prominent Congress leader Bhagwant Singh Jhabal, whose brother-in-law, a member of the village council of Jhabal, had been arrested from his house on 8 March 1993. Later, he was supposedly tortured in the middle of the village as a public demonstration of what the police would do to those

¹²⁹ *Punjabi Tribune*, 28 February 1995.

¹³⁰ *Imprint: Campus Page*, 4 October 1996, “Khalra remembered” – http://www.imprint.uwaterloo.ca/issues/100496/1News/Campus_Page/campus01.html

¹³¹ http://www.part.gc.ca/english/hansard/previous/180_95-03-30/180SMIE.html

¹³² *Ajit*, Jalandhar, 29 July 1995, Matter relating to youths declared missing

who sympathized with the militant cause. According to head constable Balwinder Singh, who appeared at the conference, the team of police officers from Jhabal police station, led by SHO Balbir Singh and assistant-sub-inspector Bikramjit Singh, took his brother-in-law away in a jeep when he became unconscious from the beating and he was never heard of again. The report further explained that in November 1994, Balwinder Singh's father-in-law Avtar Singh filed a petition before the High Court of Punjab and Haryana to demand an impartial inquiry. The high court admitted the petition, marked as writ no. 853/94, and issued notice to the Punjab state officials. SSP Ajit Singh Sandhu then called Balwinder Singh and instructed him to either get his father-in-law to withdraw the petition or face serious consequences. When Balwinder expressed his inability to get his father-in-law to withdraw the petition, the SSP immediately ordered his demotion and put him on duty at a small police post under Valtoha police station. Balwinder then applied for leave so that he could discuss the situation with his family, but the application was rejected. His superior officers told him that unless he obeyed the SSP's instructions, he would have to face serious consequences including dismissal from the police department. Balwinder Singh was unable to cope with the pressure of these daily threats and fell ill. Finally, he was allowed to proceed on leave and then, in July, he was allowed to apply for an early retirement. A group of officers visited his house several times in his absence and threatened his wife with serious consequences unless she persuaded her father to withdraw the petition.

The newspaper report discussed several such examples of police atrocities, torture and sexual abuse of persons who had filed petitions before the high court seeking inquiries and action against SSP Ajit Singh Sandhu.

The press report especially highlighted Jaswant Singh's demand that SSP Sandhu should be transferred out of Tarn Taran to prevent him from interfering with the judicial process so blatantly. At the press conference, he disclosed that the police had secretly cremated 1,135 bodies at the Jain Sabha cremation ground in the district and suggested the figure of 25,000 illegal cremations for the whole of Punjab.¹³³

On 5 August 1995, several Punjabi newspapers prominently carried a long rebuttal jointly issued by "senior officers of Tarn Taran police". The joint statement claimed that head constable Balwinder Singh, who had joined the service in 1974, had been punished in the past for dereliction of duty and was known for using his father's political connections to obtain profitable and easy postings. The statement claimed that his application for a premature retirement had been accepted and his allegations of harassment were incorrect. The statement further said that Balwinder Singh had, while in service, never reported the case of his missing brother-in-law to his senior officials and that a subsequent inquiry conducted by them, in the wake of the allegation published in newspapers, showed that he was mentally ill and often remained away from home for long duration.

The joint statement also denied all other allegations of police intimidation of the families and went on to claim that Jaswant Singh Khalra, "who for a long time has been campaigning against the police" was "formally associated with the Naxalite movement" and "maintained relations with a militant group called Khalistan Com-

¹³³ *Ibid.*

mando Force (KCF) under the leadership of Paramjit Singh Panjwar". The statement alleged that Jaswant Singh was "acting on the instructions of India's foreign enemies" to "destabilize the peaceful environment of Punjab" and "to demoralize the police force." He was, the statement claimed, "gulping money coming from abroad and these agencies". Rebutting the accusation that the police had abducted thousands of persons who were untraceable, the statement claimed that "those young boys linked to Panjwar's group of the KCF had escaped across the border and were living there".¹³⁴

These vitriolic public exchanges between Jaswant Singh and the senior police officials of Tarn Taran in July and August 1995 showed that the clash was coming to a head. Jaswant tried to maintain a veneer of composure, but realized that his situation was getting increasingly precarious. His foreign tours had been generating more and more queries from international human rights organizations, and several Congressmen in the United States and MPs in Canada and Britain had begun to press their governments to investigate the charges of mass cremations in Punjab and to consider economic sanctions against India. Feeling beleaguered by international queries, the Union government had begun to press the state authorities to handle the situation and to do damage control.

In the second week of August, some officers of the Intelligence Bureau (IB) visited Jaswant Singh and questioned him about his foreign visits. They wanted to know the names of persons who had hosted him and had interacted with him. They visited him a number of times in the last two weeks of August to follow up on these inquiries. Jaswant Singh, normally impervious to intimidation, was beginning to get nervous about this combination of open threats and insinuations by the police officials, visits of the IB officials and the visible surveillance of his movements. He decided to consult his friends and associates at the human rights wing and also talked to Gurcharan Singh Tohra, president of the SGPC and a senior leader of the Akali Dal, about the threats he had been receiving from SSP Ajit Singh Sandhu.¹³⁵ Jaswant also discussed these apprehensions with Jaspal Singh Dhillon and Amrik Singh Muktsar, chairman and vice-chairman of the human rights wing,¹³⁶ former high court Justice Ajit Singh Bains¹³⁷ and at least three lawyers in Chandigarh: Rajwinder Singh Bains, Navkiran Singh and Ranjan Lakhnarpal.¹³⁸ All his friends and sympathizers vigorously advised him to move the high court to ask for bodyguards and to leave Amritsar for some time. Jaswant Singh responded by saying that to apply for bodyguards would be against his principles and that he would think about leaving Amritsar after completing his research into the February 1995 disap-

¹³⁴ *Akali Patrika*, 5 August 1995, Senior Tarn Taran police officers rebut allegations

¹³⁵ 14 March 1996 statement of Gurcharan Singh Tohra, president Shiromani Gurdwara Prabandhak Committee, given to the CBI under Section 161 of the Criminal Procedure Code (CrPC), Case No. RC 14(S)/95/DLI. Recorded by Virender Singh, Inspector CBI/SCB-I.

¹³⁶ 07 April 1996 statements of Jaspal Singh Dhillon, son of Sri Vijay Singh, and Amrik Singh Muktsar, son of Bahal Singh, made to K. C. Joshi, CBI/SCB/New Delhi under Section 161 of the Cr. P. C. Case No. RC-14/S/95/DLI.

¹³⁷ 10 September 1996 statement of Justice (Rtd.) A. S. Bains, s/o Gurbux Singh, recorded by K. C. Joshi, CBI/SCB/New Delhi under Section 161 of the Cr. P. C. in Case No. RC-14(S)/95-DLI.

¹³⁸ Affidavit of Navkiran Singh s/o S. Gurmukh Singh, dated 7 October 1995; affidavit of Ranjan Lakhnarpal, dated 6 October 1995; affidavit of Rajwinder Singh Bains, dated 6 October 1995, in the Matter of Paramjit Kaur Vs. the State of Punjab, W. P. (CRL.) No. 497 of 1995.

pearance of Rajwinder Singh, son of Kashmir Singh and Mohinder Kaur. Rajwinder Singh, an employee of the Punjab State Electricity Board, was a brother of Paramjit Singh Pamma, a wanted militant belonging to the KCF. He had disappeared after meeting the CBI officers in Delhi in February 1995 to help them with their investigation ordered by the high court in criminal writ petition no. 290 of 1994 into the disappearance of his mother.

Assassination of the Chief Minister

On 31 August 1995, Punjab's chief minister Beant Singh and 17 members of his security retinue were killed when a powerful bomb exploded near his car outside his office in the Secretariat Building in Chandigarh. Babbar Khalsa International, an underground militant organization committed to the goal of establishing an independent Sikh state, claimed responsibility for the sensational killing of a chief minister who had led a ruthless counter-insurgency campaign and enjoyed the maximum security cover in the country. Harcharan Singh Brar, a senior Congress leader and the minister of health in Beant Singh's Cabinet, was sworn in as his successor. The security forces launched a massive operation to nab the assassins and others suspected of involvement in the terrorist conspiracy.

Jaswant Singh had a premonition that his enemies within the police establishment would take advantage of the situation to take revenge. He disclosed his fears to his wife who advised him to go away from Amritsar to some safe place. Both of them mulled over the suggestion and came to the view that his leaving the town and becoming unavailable to the authorities could make him more vulnerable to malicious prosecution and illegal hounding. Speculations were rife that the chief minister's assassination was the result of a conspiracy that had its roots in the political anger against his hideous record of human rights abuses. The Punjab police officials keen to get even with him for his relentless campaign against their sordid deeds, especially over the matter of mass cremations, could take advantage and try to implicate him in a conspiracy case if he appeared to go underground. Besides, his father was feeling unwell and Jaswant Singh had, for some days, been planning to visit him at the native village to find out if he needed to be shifted to Amritsar city for better medical care. So he discounted his premonitions and went to Khalra village to visit his father.

Kartar Singh too had his own disconcerting intuitions. He had been uneasy since his son had taken up the cause of secret cremations. He knew that the matter would open up a Pandora's box of forbidden questions that could cost Jaswant his life. He became particularly anxious after a sub-inspector of the local police station who had once been his student came to visit him in the last week of August and requested him to ask his son to be very careful. The sub-inspector told him that his police station had received informal instructions to pick him up. This upset Jaswant. Informal arrest could mean abduction without a warrant or a legal basis.

Jaswant Singh went to see his father on 3 September 1995 evening. Kartar Singh with his ominous worries told him about the conversation he had with the sub-inspector. Jaswant Singh tried to alleviate his anxiety by offering to present himself at Khalra police station to talk the matter over with the SHO. The next morning,

Jaswant Singh went to Khalra police station and invited the SHO to arrest him if he had the instructions to do so. The SHO looked very embarrassed and told him that he had no reason to arrest him. Still, Kartar Singh remained uneasy and asked his son why he had chosen to invite calamity on the family by taking up the issue of secret cremations carried out by the police in Punjab. Jaswant Singh looked somber and replied: "Does it really matter whether I die on my bed, in an accident or as a martyr of my cause?" Kartar Singh had no answer. Jaswant Singh returned to Amritsar on September 4 afternoon.

PART THREE: KHALRA'S ABDUCTION AND THE CBI'S INVESTIGATION

As recounted earlier, Jaswant Singh Khalra was abducted by armed commandos of the Punjab police in the morning of 6 September 1995, around 9:20 a.m., when he was washing his car outside his Kabir Park house in Amritsar. Jaswant Singh was expecting Mandip Singh, a journalist of the *Indian Express*, later that morning and wanted to accompany him to Tarn Taran for getting some interviews regarding disappearances leading to secret cremations. Rajiv Singh Randhawa, a journalist from *Ajit* who was present in the house, witnessed the abduction and recognized DSP Ashok Kumar, SHO Surinderpal Singh of Sarhali police station and Prithipal Singh, head constable of Manochahal police station, among the abductors. Jaswant Singh's neighbor Harinder Pal Singh Siddhu, who left his house just before the abduction, had also seen the armed commandos in plain clothes riding in a blue van and other officers in police uniforms in an official jeep. His wife Sukh Raj Kaur actually witnessed the abduction but expressed inability to recognize the perpetrators.¹³⁹

Piara Singh, a retired junior commissioned officer (JCO) of the Indian army from Sohal village in Tarn Taran sub-division of Amritsar district, who owned a blue-colored van driven by his son as a private taxi, later told the CBI's investigating officer that he was forced to send his van to Jhabal police station for undercover activities at least twice a month. According to him, all the taxi operators were likewise required to send their vehicles to the police station and leave the keys with the constable on the duty outside. Piara Singh recalled that his van was requisitioned by Jhabal police station in the first week of September.¹⁴⁰

¹³⁹ Statement of Harinder Pal Singh Siddhu, son of Gurdeet Singh, and his wife Sukh Raj Kaur recorded by DSP K. S. Joshi of the CBI under section 161 of the Cr. P. C., on 22 February 1996. In Case RC 14(S)95 DLI.

¹⁴⁰ Statement of Piara Singh, son of Mangel Singh, r/o of village Sohal, Tarn Taran, recorded under section 161 of the Cr. P. C. by P. L. Meena, DSP CBI, in case RC/14(S)95/DLI.

The Identification of the Police Officers

On 24 October 1995, 48 days after the abduction, Jaswant Singh was found illegally detained at Kang police station by Kikkar Singh, son of Harbans Singh and a resident of Jaura village under Patti police station who had been held separately in connection with a criminal investigation. Kikkar Singh saw the injuries on Jaswant Singh's body and helped him eat some food before he was taken away. Kikkar Singh's own illegal detention from 14 October to 11 November 1995 was independently corroborated by an inquiry conducted by the chief judicial magistrate of Chandigarh on the order of the high court.¹⁴¹

For the next four days, Jaswant Singh was kept in a specially guarded room at Jhabbal police station and regularly tortured under interrogation by senior police including SSP Ajit Singh Sandhu. A special police officer (SPO) Kuldeep Singh, SPO No. 606/TT, was in charge of his custody and was given strict instructions not to reveal anything about him to anyone, including his fellow policemen. One evening, SHO Satnam Singh drove Jaswant Singh in a private Maruti car to SSP Ajit Singh Sandhu's house in Manavala village near Amritsar. SPO Kuldeep Singh, SHO Satnam Singh's bodyguard, also traveled with him to the SSP's house. Soon, DGP K. P. S. Gill, along with another senior officer, arrived and they interrogated Jaswant Singh for some time. Jaswant was driven back to Jhabal police station by SHO Satnam Singh, accompanied by SPO Kuldeep Singh, in the same car. On the way, SHO Satnam Singh told Jaswant that he could have saved himself from all the troubles by following K. P. S. Gill's advice.

On 28 October 1995, in the evening around 7 p.m., DSP Jaspal Singh and his body-guard Arvinder Pal Singh, SHO Surinder Pal Singh of Sarhali police station, SHO Jasbir Singh of Manochahal police station and his body-guard Pritpal Singh came to Jhabal police station and interrogated Jaswant once again. Jaswant was shot dead while he was under interrogation. His body was carried in an unnumbered private van and dumped in to the Harike canal around 10 p.m. All the officials then met at the irrigation department's guest house at Harike where SSP Ajit Singh Sandhu also joined them for a long session of drinking and eating.¹⁴²

SPO Kuldeep Singh had been recruited into the police force in February 1994 after he got some important Kashmir militants arrested by offering information about their hideouts and their cache of weapons to SHO Satnam Singh of Ropar's Sadar police station. The search and arrest operations were led by DGP K. P. S. Gill, SSP Ajit Singh Sandhu, then SSP of Ropar district, and other senior officials. Kuldeep Singh was rewarded for his service and recruited into the force as an SPO. One year later, Sandhu was transferred back to Tarn Taran after Jaswant Singh challenged K. P. S. Gill to an open debate on the matter of police abductions leading to secret cremations. SHO Satnam Singh, an old confidant of SSP Ajit Singh Sandhu,

¹⁴¹ Statement of Kikkar Singh, s/o Harbans Singh, r/o village Jaura, Patti police station, recorded by Inspector Jagjeet Singh and Inspector P. L. Meena of the CBI under section 161 of the Cr. P. C. on 21 March 1996 and 29 May 1996 in case RC 14(S)95/S.C.B. DLI

¹⁴² *The Indian Express*, 5 May 1998, Satinder Bains, "I heard two shots and I ran back: Khalra had stopped breathing."; Statement of Kuldeep Singh, s/o Harbans Singh, SPO No. 606/TT ID Card No. 58, r/o village Bachra, post office Pandori Gola, Tarn Taran, recorded on 2 March 1998 and 20 June 1999 by a DSP, CBI in Case RC 14(S)95/S.C.B.DLI.

was also transferred back into the same area as the SHO of Jhabal police station. SPO Kuldip Singh followed him as his body-guard.

SPO Kuldip Singh did not dare open his mouth about what had happened to Jaswant Singh while SSP Ajit Singh Sandhu was alive.

On 24 May 1997, several national dailies prominently reported the news that SSP Ajit Singh Sandhu committed suicide by throwing himself in front of a moving train. Sandhu had been imprisoned for few months on charges established by judicial inquiries, that involved illegal abduction, torture and custodial death of Kuljit Singh Dhat, a relative of Bhagat Singh, the famous revolutionary from the pre-Independence era. The circumstances of his reported suicide were suspicious. He had consumed alcohol, had driven to the railway track in his own car, and a short note that he left behind said, "It is better to die than to live in this shame."

Sandhu had been a trusted lieutenant of K. P. S. Gill in his ruthless war against the Sikh secessionist militancy in the state. Accused of all these extra-judicial executions and hasty cremations, Sandhu would have had no choice but to establish the line of command under which he had carried out the executions in the district.

A senior IB officer, Maloy Krishna Dhar, who had been travelling clandestinely to the Tarn Taran police district for 12 years beginning 1980, wrote the following words in tribute to Sandhu: "In my job, I always travelled undercover, usually as a media person. My profession had compelled me to stay aloof from the state machinery and establish rapport with the militant leaders. I was not a part of the killing machine. Ajit Singh Sandhu and his colleagues, some of them missionaries in uniform, accepted their assigned jobs as frontline soldiers. They were told to shoot first, ask questions later. They were assured by their bosses in Chandigarh and Delhi that they would be taken care of. The unholy war had to be won... Our political leaders, like their imperial masters, have been using the police and the administration for coercion in the name of preserving the unity and integrity of the country... Their adventurism has generated several killing fields in the country and the neighborhood (remember the Indian Peace Keeping Force!). The Northeast, the ravaged lands of Naxalbari, the Bihar plains and Andhra Pradesh bear testimony to their misdeeds. Everywhere, they press in the services of the forces to tackle the law and order problems arising out of their bankruptcy. The law is enforced and order is restored, at the cost of innocent lives... Policemen were supposed to face terrorists as part of their professional duties. Their frontal and tactical engagements were well justified. But history bears testimony that hundreds of terrorists were not killed in frontal engagements and thousands of innocent youths were silently liquidated as part of 'mass control measures'. Sandhu, who had carried out the orders of his superiors and political masters and secured Tarn Taran, thought he was above the law. Many brave and honest officers like him had committed themselves and made Punjab safe at a colossal human cost. The sacrifices performed by perfidious politicians required human blood... Policemen are asked to break the law in the name of protecting it. In the bargain, they protect the interests of politicians and jeopardise their own interests and of the people. We salute Ajit Singh Sandhu, a martyr to the corrupt system, but exhort the nation to look into the concept of comprehensive accountability, especially for the political class..."¹⁴³

¹⁴³ *The Indian Express*, 12 July 1997, Maloy Krishna Dhar, Perforce, enemies of the people.

Campaign against Human Rights Groups

There should have been an inquiry into his reported suicide. But K. P. S. Gill, now retired, seized the opportunity to launch his campaign against “an utterly compromised human rights lobby”. He called a press conference on the 24 May 1997, a day after Sandhu was found dead, “not to express grief”, but to discuss the larger political and policy issues that arose from Sandhu’s suicide. And he discussed them passionately, poetically and in terms of high drama. The newspapers across the country carried the full text of his statement that inveighed the nation for ingratitude towards its “heroes” like Sandhu who had saved India from the brink of disintegration. It castigated the people for permitting the human rights activists “who will work with any cause that serves their personal ends, whether criminal, political or secessionist” to thrive on Indian soil. The statement chided the state for not “educating itself on how to tackle individuals and groups trying to destroy it”, and went on to urge the Parliament to bring about the necessary legal amendments that would protect other courageous officers of Punjab from the kind of humiliation that apparently drove Sandhu to suicide. The statement said that the bud of Khalistan had been nipped through the achievements of officers like Sandhu, which prevented the loss of Kashmir and the eventual balkanization of India.¹⁴⁴

The campaign, launched by Gill avalanched into a crusade. Responsible political leaders began to accuse the NHRC of being prejudiced against the police. There were warnings of police revolt and threats to bring down the government in Punjab if the Akali Dal, which was leading a coalition government in the state along with the BJP, did not unambiguously declare its support for the police. The leader of the BJP’s parliamentary group in the Rajya Sabha – Upper House of Parliament —, and currently India’s finance minister Jaswant Singh wrote: “Sandhu was not just left to fend for himself, the state abandoned him and – to my mind, much worse – his incarceration and humiliation were used to deflect attention.” Tavleen Singh, a senior journalist, explained in her column: “Murderers of Sandhu are the ‘human rights wallahs’. They have been unable to see that it was war in Tarn Taran. In fighting it if Sandhu broke a few rules, there was no other way.” In his subsequent letter to the Prime Minister, also published in its entirety, K. P. S. Gill asked for a legislation that defines “appropriate criteria to judge the actions of those who fought this war on behalf of the Indian state”. “Until the necessary criteria is sufficiently debated, defined and legislated, immediate steps should be taken to ensure that the pattern of humiliation through litigation and trial by the media is prevented forthwith.” He repeated the insinuation that “for those who were comprehensively defeated in the battle for Khalistan, public interest litigation has become the most convenient strategy for vendetta”.¹⁴⁵

¹⁴⁴ *The Pioneer*, 26 May 1997, Shame on India; *Enforced Disappearances, Arbitrary Executions and Secret Cremations: Victim Testimony & India’s Human Rights Obligations – INTERIM REPORT*. By the Committee for Coordination on Disappearances in Punjab, 742 Sector 8-B, Chandigarh. July 1999, pp. 83-85.

¹⁴⁵ *Enforced Disappearances, Arbitrary Executions and Secret Cremations: Victim Testimony & India’s Human Rights Obligations – INTERIM REPORT*, Op. Cit. pp. 83-85.

Witnesses Face Police Pressure

While Indian policy makers and their implementing agencies got busy debating these hefty issues, their minions like SPO Kuldip Singh who had witnessed the dumping of Jaswant Singh's body into the Harike canal and had kept quiet for nearly 29 months had apparently been forgotten. After Sandhu's death, Kuldip Singh became worried about getting a permanent position in the police department that had been promised to him by his mentor. In August 1997, he sent an application to P. C. Dogra, the new Punjab DGP, requesting him to fulfill the promise made to him by SSP Sandhu and K. P. S. Gill when he was recruited as an SPO in February 1994. He sent a second application and then a third application by fax when he did not receive any response from the DGP's office. In the last week of September 1997, Kuldip Singh was called by Narender Bhargave, SP (operations) of Ropar district who gave him a patient hearing and asked him to make yet another application in his own handwriting. Kuldip Singh did not hear from him again.

Soon thereafter, Kuldip Singh heard Paramjit Kaur Khalra and former head constable Balwinder Singh, who had become a human rights activist, speak at a public meeting. He met Balwinder Singh Jhabal again privately and told him all that he knew of Jaswant Singh's killing and the disposal of his body. Balwinder Singh got in touch with the officers of the CBI involved with the case who invited him to Delhi to make a formal statement under section 161 of the CrPC. Kuldip Singh ignored the advice given to him by his parents and close relatives not to bring himself and the family members to danger by deposing against the police in such an important case. He offered his first formal statement to the CBI on 2 March 1998 and a supplementary follow-up statement on 20 June 1998. The CBI officers in Delhi, who recorded the statement, wrote to the DGP Punjab asking him to provide "sufficient security of CRPF personnel" to Kuldip Singh and his family.

After making the first statement to the CBI officials at Delhi, Kuldip Singh stayed with some of his relatives in Amritsar till March 22 and then went to the house of former head constable Balwinder Singh who advised him to ask for police protection. Balwinder Singh accompanied Kuldip Singh to Jhabal police station and made a formal application to SHO Shamsheer Singh asking for his protection. The SHO deputed two armed constables to accompany Kuldip Singh to his village and to be his body-guards till further instructions. The same evening, around 6 p.m., SHO Satnam Singh, his former boss who had been transferred to Shekhwan police station in Batala sub-division of Gurdaspur district, and DSP Jaspal Singh came to his house in village Bachra. Both of them talked to him very warmly: "You are our younger brother. We have implicated Kikkar Singh (a prisoner who dared to become a witness) in so many cases. The CBI could not save him. The CBI officers have since apologized to K. P. S. Gill for their investigations because of the pressure from the Central government. They will not be able to save you if you choose to speak against us. We will do everything you want if you choose to stay on our side."

After this conversation, SHO Satnam Singh and DSP Jaspal Singh took him to the office of Hardip Singh Dhillon, SSP Jalandhar where Kuldip was given Rs. 50,000/- and asked to lodge a complaint against Paramjit Kaur Khalra and her associates saying that they offered him a bribe to become a witness in the case. When

Kuldip Singh protested, these officers warned him of serious consequences and forced him to write the complaint. The next day, these officers accompanied him to a court in Tarn Taran and made him move the application.¹⁴⁶

On 18 April 1998, several newspapers in Punjab reported the registration of a case against Paramjit Kaur Khalra and others under sections 8, 9 and 12 of the Prevention of Corruption Act. On 24 April 1998, Punjabi daily newspaper *Ajit* did a lead story about Mrs. Khalra's attempt to bribe Kuldip Singh on the basis of the complaint filed by him. Meanwhile, SPO Kuldip Singh's parents called a press conference at Jalandhar on 21 April 1998 to declare that Mrs. Khalra and her associates had never visited their house and the story about their attempt to bribe Kuldip Singh to become a witness was completely false. The CCDP in Punjab was able to obtain an appointment with the chief minister of Punjab to ask for an investigation into the matter. Amnesty International too released a detailed report titled "A mockery of justice: The case concerning the 'disappearance' of human rights defender Jaswant Singh Khalra severely undermined," that received wide publicity.¹⁴⁷ Soon the government quashed the charges framed against Paramjit Kaur.

The Amnesty International's report pointed out that following the submission of the CBI's report to the Supreme Court in July 1996, the Court had ordered the Punjab government to transfer all the accused police officers away from the districts of Amritsar and Tarn Taran. However, at least four officers accused in the case were still working in Tarn Taran police district and others were openly tampering with the evidence.

Kikkar Singh, the witness to the illegal detention and custodial torture of Jaswant Singh, had since been implicated in five criminal cases. In four of the cases, the high court granted him bail but the police officials managed to keep him in judicial custody in the fifth case.¹⁴⁸

Rajiv Singh, who witnessed Jaswant Singh's abduction from his house, and his friend Sarabjit Singh were separately detained by the Amritsar police in July 1998 on charges of "forming an organization supporting a separate state of Khalistan, called "Tigers of the Sikh Land". The Punjab Human Rights Commission investigated the arrest and the charges brought against Rajiv Singh and determined that the police had falsely implicated them. The commission recommended legal action against the police officials responsible for "registering a deliberately concocted criminal case". It sent its recommendation to the Punjab government but received no response.¹⁴⁹ Rajiv Singh was again arrested outside the Golden Temple on 5 September 2000 when he was attempting to present a memorandum on the human rights situation in Punjab to the UK home secretary, Jack Straw, who was visiting the site. The police charged him this time with robbery and possession of illegal

¹⁴⁶ Statement of Kuldeep Singh, s/o Harbans Singh, SPO No. 606/TT ID Card No. 58, r/o village Bachra, post office Pandori Gola, Tarn Taran, recorded on 20 June 1999 by a DSP, CBI in Case RC 14(S)95/S.C.B.DLI under section 161 of Cr. P. C.

¹⁴⁷ Amnesty International, *A Mockery of Justice: The Case concerning the "disappearance" of human rights defender Jaswant Singh Khalra severely undermined*, AI Index: ASA 20/07/1998 – <http://www.web.amnesty.org/ai.nsf/index/ASA200071998>

¹⁴⁸ *ibid*

¹⁴⁹ Amnesty International, *Criminalization of Adivasi Rights Activities*, AI-Index: ASA 20/014/2000, — <http://web.amnesty.org/ai.nsf/Index/ASA200142000?OpenDocument&of=Countries%INDIA>

arms. The case was totally baseless and aimed to discredit him as a witness in the Khalra case.¹⁵⁰

The accused police officers have also been intimidating the lawyers representing Paramjit Kaur, threatening them in front of the magistrate and by telling them, "We can ensure that you don't come after today." The lawyers have also received regular threatening calls and have had the tyres of their cars slashed outside the court.¹⁵¹

CBI Caves in to Police Impunity

More significantly, the CBI itself seems to have caved in to the pressure of the police campaign for impunity, that has received vocal support from both the Congress chief minister of Punjab, Amarinder Singh, and the BJP's Union home minister, Lal Krishna Advani.¹⁵² This is evident from the manner in which the CBI has, in the wake of this campaign, handled the investigation of Jaswant Singh's disappearance as well as the larger mandate it received from the Supreme Court to identify the secret cremations and to determine the issues of culpability. The change of attitude seems to be the result of the position taken by the Punjab police officials that the director of the CBI, who initiated these investigations, was himself the inspector-general of the CRPF in Punjab from 1988 to 1990 and "every act of ours was in his knowledge and had his blessings, directions and orders."¹⁵³ This was a reference to Joginder Singh, the CBI director from 1995 to 1997, who was chosen as the inspector-general of the CRPF in Punjab "to fight terrorists".¹⁵⁴

A glaring example of the CBI's change of attitude has been its decision not to follow up on the information given by SPO Kuldeep Singh, who had taken great personal risk in becoming a prosecution witness and the desperate attempts it made to discredit his reliability.

When Paramjit Kaur's lawyers Rajwinder Singh Bains and Brijinder Singh Sodhi moved the trial court in Patiala on 12 August 1998 for directions to the CBI to beef-up its charge sheet against the accused, its lawyers took nine months to formally declare that the prosecuting agency needed more time to complete its investigations following Kuldeep Singh's testimony received in March 1998. The CBI continued these investigations until the last week of November 1999 and then filed an application before the special magistrate's court in Patiala on 22 November 1999 claiming

¹⁵⁰ Amnesty International, "Arrest of Witness Points to Continuing Police Harassment", 7 September 2000, AI Index ASA 20/049/2000 — http://www.snsn.org.my/h_right/ai4.htm

¹⁵¹ Amnesty International, *A Mockery of Justice*, Op. Cit.

¹⁵² *The Tribune*, 22 March 2002, Jupinderjit Singh, DGP for amnesty to 'tainted' cops.

¹⁵³ The Sunday Times on the Web, 15 June 1997, Vijaya Pushkarna, "Making Zeroes out of Heroes: Police challenge the ugly side of human rights", — <http://www.lacnet.org/suntimes/970615/news4.html>

¹⁵⁴ In his autobiographical book, *Without Fear or Favour*, published by Kaveri Books, New Delhi in 1998, Joginder Singh reminisces about this period in the following words: "When I joined, J. F. Ribeiro was the DG. After some time, Gill took over. Ribeiro and Gill were following the bullet-for-bullet policy. I had been trained in the tradition of strictly observing the laws. But sticking to the rules does not solve the problems always. Sometimes, when the system collapses you have to invent your own rules for the game. When the system breaks down, you have to break new grounds... But I personally did not agree with the bullet-for-bullet policy. I did not agree to any killing unless it was a fair fight..." (pp. 292-295).

that Kuldeep Singh's statement "remained unsubstantiated in material particulars" and that "his statement does not inspire confidence as it was admittedly made two-and-a-half years after the alleged occurrence..."¹⁵⁵ The application moved by the CBI cited the following grounds to justify its conclusion, and we must briefly review them to appreciate their inherent and instrumental significance for the proceedings of this case.

[1] Kuldeep Singh had chosen to depose before the CBI belatedly after the Punjab police failed to confirm him as a permanent constable as had been promised to him by SSP Sandhu. Further, Kuldeep Singh himself said that he could not have spoken out as long as Sandhu was alive.

- Clearly, the two-and-a-half years long silence of SPO Kuldeep Singh has to do with his fear of Sandhu and his team of officers. This was a justified fear that diminished after the Supreme Court censured their lawless actions and ordered investigations. Sandhu's death further discounted the fear. Kuldeep Singh may also have wanted the security of tenure promised to him at the time of his recruitment. For two-and-a-half years, he may have been actuated by the primacy of self-interest rather than general welfare of human rights, truth and justice. But these issues of character can have no relevance to the primary end of the legal process to obtain correct application of rules of substantive law to facts that have been proven to an agreed standard of truth and probability. The pursuit of truth, within a legal framework, cannot be sabotaged by raising the issues of character in a primary witness belonging to a situation bereft of incentives for good behavior. Besides, the character evidence to impeach witnesses is normally a part of the cross-examination process available to defendants and it is extraordinary that the prosecution should drop its key witness whose testimony resolves the mystery of the crime on such grounds.

[2] The CBI's investigation disclosed that the Maruti car, with the registration plate number PB-2-J245, in which SHO Satnam Singh reportedly drove Jaswant Singh Khaira for his interrogation to SSP Ajit Singh Sandhu's house at Manawala village, was still registered in the name of Dr. R. S. Pannu. The CBI investigated Dr. Pannu's claim that he had disposed of the car through Surinder Singh Sodhi, owner of New Auto Home in Amritsar, who sold it to SHO Satnam Singh. However, the CBI could not find anything on the record to show that the car had been transferred to Satnam Singh's name.

- The attempt to raise doubts on the reliability of SPO Kuldeep's statement that SHO Satnam Singh brought Jaswant Singh for his interrogation by SSP Ajit Singh Sandhu and K. P. S. Gill to Manawala village on the ground that the car was formally registered in the name of Dr. R. S. Pannu is blatantly malicious. The CBI actually possessed evidence to establish that the car had actually been bought by SHO Satnam Singh. The owner of New Auto Home in Amritsar,

¹⁵⁵ The CBI's application before the Special Magistrate, Patiala in the matter of RC 14/S/95-SCB-1/ New Delhi, Regarding Report U/S 173 (VIII) CRPC, dated 22 November 1999.

Surinder Singh Sodhi, who deals in second-hand cars, testified to the CBI officials that he had arranged its sale to SHO Satnam Singh and had received Rs. 1,80,000 by a cheque numbered WH-0209542. He also showed SHO Satnam Singh's signatures on the receipt for the payment made by him on 14 April 1995. Sodhi also revealed that it was SHO Satnam's responsibility to get the registration of the car transferred under his name.¹⁵⁶ The SHO had deliberately chosen to keep the car in Dr. Pannu's name and this was confirmed by the statement of Sampuran Singh Ghumman, a senior clerk at the district transport office in Amritsar. The CBI officers recorded Sampuran Singh's statement that he had renewed the registration of the car on 28 April 1995 in Dr. Pannu's name at the request of a person who came with the necessary papers and also paid the road tax. This person had told him that the car was in the possession of SHO Satnam Singh and Sampuran Singh had noted down this information on the first page of the registration book.¹⁵⁷

[3] The CBI claimed to have examined several persons to verify SPO Kuldeep Singh's statement that SHO Satnam Singh and other police officials had dumped Jaswant Singh's body in Harike Canal on 28 October 1995. According to the CBI, the persons examined owned and worked at small eating joints close to the canal and they failed to corroborate SPO Kuldeep Singh's statement.

- It is certainly ridiculous to expect that the police officials would collect these owners and workers of roadside eateries while getting rid of the body at an isolated side of the canal. The collection of these statements and the attempt to discredit SPO Kuldeep Singh's statement on their basis becomes positively malicious in the light of the testimony of Surjit Singh, a worker in the irrigation department of the Rajasthan Feeder Canal, that the CBI officials chose not to follow up. In his testimony, recorded by the CBI officials on 23 April 1998, Surjit Singh disclosed that he had regularly seen bodies floating in the canal but had not intercepted them in the absence of specific orders from his superiors. Surjit Singh also disclosed that there were big fish and crocodiles in the canal that ate up bodies within three to four hours of their getting dumped. Their bones would get carried away to Rajasthan. More significantly, Surjit Singh disclosed that once in 1992, he inadvertently became a witness to the dumping of 19 bodies in the canal. The bodies had been brought for their disposal in the canal by a group of officers under SSP Ajit Singh Sandhu. It was late in the evening and Surjit Singh was returning home after his day's work on an isolated side of the canal. The SSP stopped him and slapped him across his face without any provocation before ordering his subordinates to blindfold him while the officials got rid of the bodies. Sandhu had threatened to shoot him and throw his body in the canal if he made any noise or told to any one about the incident.

¹⁵⁶ Statement of Surinder Singh, s/o Paramjit Singh Sodhi, New Auto Home, Court Road, near Sainik Rest House, Amritsar, recorded by a DSP CBI under Section 161 of the Cr. P. C., on 22 April 1998.

¹⁵⁷ Statement of Sampuran Singh Ghumman, s/o Dhyani Singh, Senior Clerk, District Transport Officer, Amritsar, r/o 7313, Gali No. 4, Model Town, Amritsar, recorded by a CBI DSP under section 161 of the Cr. P. C. on 23 March 1998.

Surjit Singh was blindfolded and made to stand there for nearly one-and-a-half hours and then asked to leave.¹⁵⁸

[4] The house keeper of the guest house at Harike Canal, where all the officials led by Sandhu had gathered to eat and drink after getting rid of Jaswant Singh's body on 28 October 1995 evening, told the CBI officials that Sandhu had not registered himself as a guest on any day in October 1995. Also, K. P. S. Gill categorically denied ever having visited Sandhu's house during the relevant period.

- It is no one's case that SSP Ajit Singh Sandhu had registered himself as a visitor at the canal guest house. He was not likely to consciously leave evidence of his presence at the guest house on that day. Also, K. P. S. Gill's denial of having interrogated Jaswant Singh at the SSP's house has no meaning, given his extraordinarily consistent record of lies and denials. The CBI's record of investigation does not show anything done to independently probe the allegation.

[5] SPO Kuldeep Singh had disclosed that head constables Balwinder Singh Ghoda and Arvinder Singh had loaded Jaswant Singh's body into of an unnumbered van and had gone with DSP Jaspal Singh, SHO Surinder Pal Singh of Sarhali police station, SHO Jasbir Singh of Manochahal police station and SHO Satnam Singh of Jhabal police station to dump it in Harike canal. The CBI was unable to trace any head constable with the name of Arvinder Singh who had been posted in Tarn Taran police district during the relevant period. The CBI officials also discovered that Balwinder Singh Ghoda, head constable C-II No. 3362/TT, had been absenting himself since June 1999 and his whereabouts since then remain unknown. His brothers Gurnam Singh and Purshottam Singh said that they had no knowledge about Balwinder Singh's absence from duty and had not seen him after June 1999.¹⁵⁹

- It is not clear how these facts discredit the veracity of SPO Kuldeep Singh's statements. The desertion of duty by head constable Balwinder Singh Ghoda and his mysterious disappearance since June 1999 can only reinforce suspicions against him.

[6] Finally to reinforce the point about SPO Kuldeep Singh's lack of credibility as a witness, the CBI mentioned the 17 April 1998 complaint registered by him against Paramjit Kaur Khaira alleging that she had paid him Rs. 50,000/- to falsely depose against the police officials.

- We have already examined the circumstances in which the incident occurred. Following the investigations that established Kuldeep Singh's abduction by SHO Satnam Singh and others, the case against Paramjit Kaur was hastily withdrawn. Kuldeep Singh and his family members had themselves revealed how he had

¹⁵⁸ Statement of Surjit Singh, s/o Jaswinder Singh, village Thotha Bhagna, Amritsar, recorded by a CBI DSP under section 161 of the Cr. P. C on 23 April 1998.

¹⁵⁹ Statements of Gurnam Singh and Purshottam Singh, sons of Joginder Singh, r/o Sarai Amanat Khan in Amritsar district recorded by DSP Nitin Duggal of the CBI under section 161 of the Cr. P. C. on 17 September 1999.

been forced to lodge the false complaint and, if anything, the episode establishes the desperate lengths to which the accused police officers can go to tamper and forge evidence, while availing the benefit of bail, to corrupt the judicial process.

The trial in the case has for long been in slow, grinding progress. In spite of the reluctance shown by the prosecution to upgrade the charges against the accused under sections 364 [kidnapping with the intent to murder] and 302 [murder] of the IPC, the sessions court at Patiala under K. S. Garewal, on 25 July 1998 decided that “circumstantial evidence is strong enough to presume that Jaswant Singh Khalra was done to death and his dead body disposed of...”. But the court chose to invoke IPC section 302 only against DSP Jaspal Singh, SHO Rashpal Singh of Kang police station and ASI Amarjit Singh of Jhabal police station and to try DSP Ashok Kumar, SHOs Surinder Pal Singh, Satnam Singh, Jasbir Singh and head constable Prithipal Singh under section 364 of the IPC.¹⁶⁰ The points about the arbitrariness of these decisions pale into insignificance when sited against the prosecution’s evident lack of will and intention to uncover the real depth of the crime and to punish the guilty. The legal process, by corollary, has become a long, inexorable punishment for the seekers of justice.

Elusive Goals of Justice and Truth

Paramjit Kaur, Jaswant Singh’s widow, told Geoff Parish of the SBS television in March 2002: “In court we have to fight and there is so much of harassment. Seven years have passed and we haven’t gained anything as yet. This won’t finish in our lifetime.”¹⁶¹ Jaswant Singh’s father Kartar Singh was born when his father, a revolutionary committed to the goal of India’s freedom from the colonial yoke, was interned in Punjab from 1915 to 1922. Born in 1917, Kartar Singh is today 85. As a school teacher at Khalra village who never compromised with the dignity of his father’s ideals of freedom, Kartar Singh has been a witness to the passage of an Independent India into its political adulthood. He told one of the authors of this report in the course of a long discussion held at his village home on 27 March 2000: “The government did not have the ability and the system to cope with the unrest and the armed struggle in a legitimate way. The government officials, the police, the judiciary, the political class were all corrupt, disinterested in their duties, ignorant of the rules and out of touch with the people. The government did not have a hold on any section of the society. The government had to react and suppress this movement. But there were no principles and institutional ways to guide its actions. In that situation, abuses and atrocities became inevitable. The security forces were given blanket powers to stamp out the agitation by whatever means. The police did not have the ability, the training or the aptitude to identify and nab real offenders. So, their actions became indiscriminate. When the militancy increased, they began to

¹⁶⁰ Order dated 25 July 1998 by the court of K. S. Garewal, sessions judge, Patiala

¹⁶¹ SBS-TV, Australia, 3 April 2002, “India – Who Killed the Sikhs” –

<http://www.sbs.com.au/datetime/trans.php3?dte=2002-04-03&title=India++Who+killed+the+Sikhs>

catch and kill the family members and friends of those who were involved. This way, they tried to create pressure on the relatives to stop those who were involved..."¹⁶²

Kartar Singh compared the working of the police in India before and after 1947 in the following words: "The British were here to rule us. They did that under some rules and norms. After Independence, political power has gradually become bereft of all rules and norms. In the British period, custodial killings, victimization of family members of political or revolutionary suspects, false prosecution, etc., were unheard of. Now what purpose did the abduction and disappearance of Jaswant Singh serve? It was a purely malicious and unreasonable action and all the institutions of the state, by participating in the cover-up, have become personifications of the same maliciousness and unreasonableness."¹⁶³

But Kartar Singh does not despair. He says: "My son followed the path of truth and bold opposition to injustice. He was proud of his ancestral history of martyrdom for justice and freedom. In spite of my personal grief at his loss, I know that if there is to be any hope for Punjab and for India there has to be a resurgence of that spirit of freedom and the courage of conviction which my son embodied. I have faith. In spite of the rotten state of affairs today, there will be a new phase of struggle to realize the ideals of freedom which our leaders have betrayed. I hope Jaswant's sacrifice would contribute to initiating that process."¹⁶⁴

Jaswant Singh Khalsa died a death he may have foreseen; perhaps courted. The lingering memory of the legend of Surat Singh's defiant martyrdom in the family against the Mughals after Banda Singh Bahadur had been captured and executed in Delhi in 1715, may even have played a part in making Jaswant Singh so bold and reckless against the Punjab police. But there is a difference between his own sacrifice and the sacrifices of his ancestors in 1715: There is more "probable knowledge" about what happened to them in 1715 than we have about what happened to Jaswant Singh in 1995. In 1715, two agents of the British East India Company in Delhi, John Surman and Edward Stephenson, had witnessed and recorded the heroism of Banda Singh Bahadur and his associates who accepted death by spurning the offers of pardon in exchange for apostasy.¹⁶⁵ We can read about it and feel inspired. Jaswant Singh's death is an obfuscated event even for those who knew him personally. There is no verifiable record of others like him, thousands of them, who were consigned to flames in illegal cremations, that Jaswant Singh tried to expose. The difference has implications for the role of memory and meaning in inspiring "knowledgeable" initiatives in which Kartar Singh, Jaswant's father, endows hope.

'Probability of knowledge', through empirical observation, cognitive recovery and documentation, shows what we 'care' for and how we mean to influence the shaping of realities.

This report, we hope, integrates these ideals of knowledge and endeavor.

¹⁶² Ram Narayan-Kumar's interview with Kartar Singh at Khalsa village on 27 March 2000.

¹⁶³ *ibid*

¹⁶⁴ *ibid*

¹⁶⁵ Ganda Singh, *PPP*, Vol. IX-II, October 1975, "Banda Singh Bahadur: His achievements and the place of his execution"; *Early Annals of the English in Bengal*, Edited by C. R. Williams, Letters of Edward Stephenson and John Surman to the Governor of Fort Williams in Bengal.

CHAPTER TWO



IMPUNITY BY ALL MEANS: RIGHTS AND THE DEAD-ENDS OF LAW

PART ONE: THE SEARCH FOR TRUTH

The four fundamentals of the Indian democracy, embedded in its republican Constitution, are: [1] The guarantees of inalienable human rights to all citizens; [2] A democratic legislature; [3] An independent judiciary; and [4] The freedom of discourse. On the strength of these constitutional features, India claims to be the largest functional democracy in the world where wide-spread human rights abuses, systematic persecution of estranged communities and suppression of political dissent cannot occur. However, the experiences of the Sikhs in Punjab show that as a demonised community targeted for abuse by the authorities, they had no protection from the leaders of supposedly independent institutions, including the judiciary, either in shielding their fundamental rights against imminent violations or in obtaining acknowledgement and legal restitution of wrongs. Freedom of discourse remained an empty promise when even the higher judiciary joined the chorus to turn the page and obliterate the victims' memory on the ground that a public discussion and scrutiny focusing on past abuses and the role of institutions would undermine the interests of peace and social order. This chapter will discuss these propositions around the efforts of the Committee for Coordination on Disappearances in Punjab (CCDP) to initiate a public discourse on human rights violations in Punjab through a people's commission, as well as the legal history of the matter of abductions leading to disappearances and secret cremations carried out by the Punjab police, pending before the National Human Rights Commission (NHRC) since December 1996.

Election Manifesto

On 10 December 1997, the CCDP held its first convention in Chandigarh and called on the Punjab government to set up a "truth commission" to investigate all complaints of human rights violations, as promised by the Akali Dal's February 1997 election manifesto. The Akali Dal, which represented the issues of the Sikh political discontent, had returned to power in the state nine years after the Central government dismissed its government in October 1987. Members of the Akali Dal and those associated with its programs and policies constituted the largest number of victims of state atrocities as well as of the militant violence. The CCDP convention also resolved to establish a people's commission, comprising three retired high court judges, to investigate the complaints of human rights violations if the newly-elected government chose to renege on its electoral pledge. Justice Kuldip Singh, former judge of the Supreme Court of India and a patron member of the CCDP, was in charge of this initiative.

Recent Examples of Truth Commissions

Worldover, the institution of truth commission, is recognized as an important innovation for the restoration of the rule of law in societies traumatized by widespread abuses of human rights by state forces and political violence originating from deeper political maladies. The truth commissions by their uniquely transparent and participatory methods of work, aim to help hostile sections of people in such societies recover a common normative and empirical basis for knowledge, justice and good governance. This innovative instrument of truth and justice has taken new forms under varied experiments in divided societies across the world. Let us consider the two recent examples:

In October 2000, Yugoslavia's democratically elected president, Vojislav Kostunica, announced the creation of a truth commission to investigate human rights crimes and collective violence since the fall of the iron curtain. Kostunica explained the need for the commission in the following words:

We must answer two questions: What really happened and how do we go on? This is the only way to make the past clear to future generations and to explain to them how their predecessors found the way out of the maze... In order to make it happen, we have to revise our near and distant past. We have to face it as a number of objective facts and myriad subjective observations and experiences stemming from them. This is going to be a very difficult task in a society in which nearly every family has its own tragic story... We have to bring together these dispersed elements of our awareness and conscience, to organise ourselves, and begin the process of general moral recovery. Without that recovery, any other will prove impossible... This was the idea that led me to establish the truth and reconciliation commission. However, it is a mere stone of goodwill thrown into the waters of the present historic predicament. The notion and wish is that the stone produces many concentric rings of activity to be carried out by many associates and activists. The commission's task is to band together all those who see truth and reconciliation as the cornerstones of a future resurrected public life. Whether this historic project will succeed or not depends on all of them and all of us.¹

On 26 May 2001, seven months after the establishment of the Yugoslavian commission, the Peruvian government announced the establishment of a similar truth commission to investigate human rights abuses committed in the country over the last 20 years. The commission promised to scrutinize the actions of Peru's last three presidents and also examine the era of terrorism in which 30,000 people died and 4000 disappeared. An interim government under Alan Garcia announced the decision following the dismissal of Alberto Fujimori in November 2000 on the ground of his "moral unfitness". On 9 September 2002, the commission's chairman Salomon Lerner especially flew to interview Fujimori in Tokyo, where he has taken shelter

¹ "In Search of Truth and Responsibility: Towards a Democratic Future," Vojislav Kostunica, 19 May 2001, — <http://www.b92.net/trr/eng/kostunica.html>

to escape accountability.² Justice Salomon Lerner spoke to a select audience in London on 15 February 2002 about another important task of understanding the roots of political violence in Peru that confronted the commission: “The violence, besides being an expression of historical bankruptcy, has created in our present and planted in our future, an abundant and deep sense of unease. Once again, it is difficult to think about consolidation of democracy in Peru, without having recognised these wrongs and evils and without proposing a solution.”³

According to Jonathan D. Tepperman, an international lawyer from Canada and an associate editor of the *Foreign Affairs*, 10 other commissions have been set up in the period between the Yugoslavian and Peruvian initiatives and more than 21 truth commissions have run their course since 1974.⁴

Paradigmatic Experiences: Argentina and Chile

The importance of truth commissions in endemically violent societies, as suggested by these examples, seems to lie in the idea that they approach abuse of political power, violence and victim-hood in their larger historical and normative contexts and seek accountability, reparation and restoration of human rights in a participatory process with greater emphasis on repentance and healing than on prosecution and punishment. The approach follows the premise that those who wield power and others who suffer it can be welded to a shared perspective on the responsibilities and limitations of the relationship and can, on that basis, reconcile with a common position of truth, reparation of wrongs and the commitment to prevent future atrocities. Clearly, the objective is as hard to achieve as it is noble in its basic conception. South Africa’s Truth and Reconciliation Commission (TRC), which was instituted from 1996 to 1998, is by far the most famous example of this approach to justice.

In the introduction to the final report of the TRC, Archbishop Emeritus Desmond Tutu, the commission’s chairperson, wrote about a Dutch visitor to the post-apartheid South Africa who observed that the “Truth and Reconciliation Commission must fail. Its task is simply too demanding”. Yet, she argued, “even as it fails, it has already succeeded beyond any rational expectations.” She quoted Emily Dickinson, “The truth must dazzle gradually... or all the world would be blind”.⁵

² *The BBC News*, Saturday, 26 May 2001, “Peru to Create Truth Commission” – <http://news.bbc.co.uk/1/hi/world/americas/1352959.stm>; *the BBC News*, Monday, 9 September 2002, Charles Scanlon, “Peru Truth Inquiry tails Fujimori”, — <http://news.bbc.co.uk/2/hi/americas/2246308.stm>

³ At Embassy of Peru in London, 15 February 2002, “The Task to Make Justice: Presentation by the President of the Truth and Reconciliation Commission” – http://www.gci275.com/peru/lerner_reconciliation.shtml

⁴ Jonathan D. Tepperman, “Truth and Consequences”, *Foreign Affairs*, March, 2002 / April, 2002.

⁵ Volume I, Chapter I, Foreword by Chairperson, para 17 – http://www.news24.com/Content_Display/TRC_Report/1chap1.htm
Tell all the Truth but tell it slant –
Success in Circuit lies
Too bright for our infirm Delight
The Truth’s superb surprise
As Lightning to the Children eased
With explanation kind

This weighty point is especially supported by the experiences of truth commissions in Latin American countries like Argentina, Chile, El Salvador and Guatemala. We shall briefly examine the Argentinean and Chilean experiences that have some lessons for the issues and the challenges we encounter in Punjab.

The first serious attempt to remedy the past abuses of power through a truth commission was made in Argentina when Raul Alfonsín, a charismatic democrat, came into power through elections in 1983, ending the “Dirty War” initiated by the junta in 1976. Alfonsín dramatically broke from the Latin American tradition of pacifying past military rulers and ordered the court-martial of nine junta leaders, who ruled between 1976 and 1982, on charges of spreading “terror, pain and death throughout Argentinean society.” Included among the nine were ex-presidents Videla, Viola and Galtieri.⁶

The National Commission on Disappeared, established by Alfonsín’s government⁷ and chaired by the famous writer, physicist and humanist Ernesto Sabato, did the first systematic study of the philosophy and working of “counter-insurgency” in modern times. Its report *Nunca Mas (Never Again)*, based on extensive testimony of victim families revealed the counter-insurgency thinking and strategy, pithily explained by General Saint Jean in the following words: “First we will kill all the subversives. Then we will kill their collaborators, then their sympathizers, then those who remain indifferent and finally the indecisive.” This counter-insurgency thinking justified unconventional and ruthless ways of dealing with clandestine rebel organizations and considered the use of torture essential for the knowledge of underground networks. If a captured sympathizer of the rebels could not be intimidated or induced to become a stooge, he had to be killed. This framework also viewed human rights organizations as subversive in nature because they “contributed to the destruction of the pristine power and the moral supremacy of the nation-state”.

The report revealed that the military government systematically tortured, murdered and disappeared almost 9,000 Argentinian citizens. Many were disappeared by the unique method of dropping their bodies into the ocean from airplanes so that their bodies would never be found.⁸ Following the publication of the report, the government initiated prosecutions against many senior navy, air force and military officials. The government tried to permanently establish civilian authority over the military and retired more than half of the generals and admirals. It slashed military outlays radically and removed the military control over *Fabricaciones Militares*, a

The Truth must dazzle gradually
Or every man be blind.

Emily Dickinson’s poetry can be read at the following site: —
http://members.aol.com/GivenRandy/r_emilyb.html

⁶ Edward Schumacher, “Argentina and Democracy”, *Foreign Affairs*, Summer 1984,

⁷ Decree No. 187/83, promulgated Dec. 15, 1983 — *Comisión Nacional Sobre la Desaparición de Personas*, quoted in Carlos S. Nino, “The Duty to Punish Past Abuses of Human Rights Put into Context; the case of Argentina”, *Yale Law Journal*, 100, pp. 2537 – 2615 June, 1991.

⁸ *Comisión Nacional Sobre la Desaparición de Personas, Nunca Mas* – National Commission on the Disappearance of Persons, *Never Again* —, Univeritaria de Buenos Aires, 4th edition, 1984, pp. 235-6, 479; Tom J. Farer, “Swallowing Injustice to Build Community: Latin America After the Era of State Terror”, A lecture delivered at the Institute of International Studies of the University of California, Berkeley, on 20 April 2000 – <http://globetrotter.berkeley.edu/people/Farer/Farer-Injustice.pdf>

military industrial complex that produced everything from ploughshares to military hardware.⁹

In the beginning all seemed to be moving well towards accountability. Slowly, the pressure started building up. First, Alfonsín brought the legislation aiming to protect middle rank officers who supposedly committed crimes under orders but lacked decision-making capacity. The law, however, excluded from protection those accused of “abhorrent or atrocious” acts. The law did not satisfy the military and the government was forced to bring in the so-called “law of full-stop”.¹⁰ The law established a 60-day statute of limitation for new indictments. As the government appeared to buckle under pressure, the military became bolder and more brazen. A group of previously indicted officers rebelled and announced their decision to violently resist enforcement of detention orders. The civilian population of Argentina sided with the government. Millions swamped the streets of Buenos Aires in President Alfonsín’s support and the military rebellion was quelled.¹¹

Despite this momentary success, other indicted officers began to defy the judicial process. The government pacified the military by bringing in new legislation called the “law of due obedience” to protect all, except the very senior officials, from legal action.¹² The law pacified the military, but the bold experiment in accountability, initiated by this charismatic Argentinean democrat in 1983, failed.

The same process has been repeated, with rich experimental variations, in Chile after the December 1989 electoral success of Patricio Aylwin Azocar of the Christian Democrats Party that brought an end to the 17-year-long rule of General Augusto Pinochet. Aylwin was aware of the failures of the accountability process in Argentina, but still established the National Commission for Truth and Reconciliation in 1990 to confront the legacy of human rights violations that followed the 1973 military coup against Allende’s elected regime.¹³

Pinochet had sustained his regime by methods that provided inspiration to brutal regimes across the world, including the Indian Punjab. First, the Directorate of National Intelligence (DINA) established in June 1974 under Manuel Contreras, led the counter-insurgency operations. The DINA specialized in liquidating the “enemies of the state” and potential adversaries of “national security”.¹⁴ Victims were seized without arrest warrants, often in broad daylight and in front of witnesses, as in Punjab, and held *incommunicado*, systematically tortured, killed and disappeared. In August 1977, Pinochet had to disband the DINA under pressure from the new American administration under President Jimmy Carter, but he created another outfit called the National Center of Information (CNI). The new organization specialized in staging elaborate “shoot-outs” with alleged terrorists, precursors to the Punjab “encounters”. The CNI was later recognized as a branch of the armed forces.

⁹ Edward Schumacher, *Argentina and Democracy*, *Op. Cit.*

¹⁰ Carlos Nino, “Comment: The Human Rights Policy of the Argentine Constitutional Government: A Reply,” 11 Yale J. Int. L. L., 1985, *Ley de Punto Final*, Law No. 23492, 24 December 1986.

¹¹ Carlos Nino, “The Duty to Punish Past Abuses of Human Rights put into Context: The Case of Argentina,” 100 Yale L. J. 618, 620, 1991.

¹² *Ley de Obediencia Debida*, Law No. 23521, 4 June 1987.

¹³ Edward C. Snyder, “The Dirty Legal War: Human Rights and the Rule of Law in Chile 1973-1995,” *Tulsa Journal of Comparative and International Law*, Spring, 1995, p. 253.

¹⁴ *The Washington Post*, 20 September 2000, Vernon Loeb, “CIA Had Covert Fie to Letelier Plotter”.

According to the National Commission for Truth and Reconciliation, which released its reports in 1991 and 1996, a total of 2,095 extra-judicial executions and deaths under torture took place during the military regime, and 1,102 people disappeared at the hands of government forces and are presumed dead.¹⁵

Already in April 1978, Pinochet had decreed an amnesty law that protected people from prosecution of all political crimes committed during the state of siege from September 1973 to March 1998. In October 1980, Pinochet named himself the president of Chile for an eight year term and reserved for the military nine of 48 seats in the National Senate. He also secured military presence in the judiciary and constituted a national security council, with half the votes to the military personnel, to influence the governmental decisions. In 1988, Pinochet lost a plebiscite for the extension of his rule and the presidential elections in December 1989 returned the Center-Left coalition of Parties for Democracy under Patricio Aylwin Azocar to power. Pinochet remained the chief of the armed forces till March 1998 when he surrendered the command to General Ricardo Izurieta after taking his position in the Senate as its life-member with diplomatic immunity for his travels abroad and constitutional immunity from arrest or criminal process at home.¹⁶

On 16 October 1998, Pinochet was detained in London, while he was there for medical treatment, at the request of Spanish magistrate Baltasar Garzon for the murder or “disappearance” of seven Spanish citizens in Chile. The next 16 months of high legal drama, marked by two path breaking House of Lords decisions on the principles of sovereign immunity, culminated in March 2000 with the British home secretary intervening in the process, in a quasi-judicial role, to return the 84-year-old former dictator to Chile on “medical grounds”. Although many were disappointed by the outcome, the episode established the principle that former heads of state responsible for heinous human rights abuses are not immune to prosecution within the universal jurisdiction of human rights.¹⁷ In the course of Pinochet’s 16-month long detention in Britain, three other countries – Belgium, France and Switzerland – asked for his extradition on the ground that their citizens had suffered torture, disappearance and arbitrary execution under his regime. But the British home secretary turned down their requests. Pinochet’s return to Chile received a mixed reaction and it seemed unclear whether he would be prosecuted for his crimes within the country. But he had been branded an outlaw before the international community and this was an achievement for the human rights movement.¹⁸ Also, Pinochet’s return to Chile, amidst a grand spectacle of welcome staged by the armed forces, resurrected the discourse on the obligations of the state to investigate,

¹⁵ *The Washington Post*, 1 July 1999, Karen De Young and Vernon Loeb, “Augusto Pinochet Report: Documents Show U. S. Knew of Pinochet Crackdown” – <http://www.hartford-hwp.com/archives/42a/140.html>; Edward C. Snyder, *Op. Cit.*, 253.

¹⁶ *Human Rights Watch Report*, October 1999, Vol. 11, No. 1(B), “Chile: When Tyrants Tremble: The Pinochet Case” – <http://www.hrw.org/reports/1999/chile/index.htm>

¹⁷ *Judgment – In Re Pinochet*, House of Lords, Oral judgment on 17 December 1998: Reasons on 15 January 1999 – <http://www.parliament.the-stationery-office.co.uk/pa/ld199899/ldjudgment/jd990115/pino01.htm>; Ruth Wedgwood, “Augusto Pinochet & International Law”, (2000) 46 McGill Law Journal 241.

¹⁸ *The Miami Herald*, 3 March, 2000, Kevin G. Hall, “Pinochet released to return to Chile” – <http://www.rose-hulman.edu/~delacova/chile/released.htm>

acknowledge and rectify past human abuses.

New Chilean president Ricardo Lagos promised that the judicial process would take its course. Even the judiciary seemed to be stirring when it ruled that the old amnesty legislation would not apply to stymie investigation of “enforced disappearances”.¹⁹ The Chilean council for defence of the state, representing the position of the state, joined a group of seven human rights lawyers in Santiago to request the appeals court to lift parliamentary immunity for prosecution, which Pinochet enjoyed for life. In June 2000, the court decided to waive the immunity by 13 votes to 9. The court also ordered Pinochet’s house arrest for the kidnapping and murder of 75 victims of the “Caravan of Death”. But the Supreme Court turned down the appeal on the ground that the court had not completed the formality of interrogating Pinochet and that it could not do so without a proper medical certificate that he was physically and mentally fit to take the strain.²⁰

In spite of these setbacks and amidst controversies, the process of truth and reconciliation in Chile continued. In June 2000, members of *Mesa de Dialogo*, a conflict resolution group dedicated to resolving “disappearances” issued a declaration asking for a special legislative initiative to obtain authoritative information. The group called for statutory protection of anonymity to those who came forward with information. The Congress passed the proposal which became law in July 2002.²¹

Evidently, these developments, resulting from the publication of the truth commission’s report in 1991, do not amount to a clear and enduring triumph of truth, accountability and end of impunity in Chile. However, they constitute a significant progress for the human rights movement since 1991 when Pinochet had reacted to the findings of the truth commission in the following words: “The army of Chile solemnly declares that it will not accept being placed as if on trial before the citizenry for having saved the freedom and sovereignty of the homeland at the insistence of the civilian population.”²² The commission’s report, which criticized the courts for abdicating their independence and for failing to safeguard fundamental rights of all citizens, had also provoked a strong reaction from the Supreme Court. The Supreme Court actually issued a public statement holding the government and the truth commission responsible for creating a climate of animosity and contempt for the judiciary.²³ The events in the wake of Pinochet’s detention in the UK and the two judgments by the House of Lords on 25 November 1998 and 17 December 1998 have certainly counteracted their political hubris and claims of

¹⁹ *Jinn Magazine*, 30 March 2000, Roger Burbach, “Pinochet’s Trial And Tribulations In Chile — Chileans Eager To Take Care Of Pinochet And Other Domestic Problems” — <http://www.pacificnews.org/jinn/stories/6.06/000330-chile.html>

²⁰ *Amnesty International Report 2001*, Chile, — <http://web.amnesty.org/web/ar2001.nsf/webamrcountries/CHILE?OpenDocument>
²¹ *ibid*

²² Human Rights and Politics of Agreements, An Americas Watch Report, 41, July 1991, p. 32; Report of the Chilean National Commission on Truth and Reconciliation, Trans. Philip Berryman, 1993; Edward C. Snyder, “The Dirty Legal War: Human Rights and the Rule of Law in Chile 1973-1995”, *Tulsa Journal of Comparative and International Law*, Spring 1995.

²³ International Commission of Jurists and Center for the Independence of Judges and Lawyers, *Chile: A Time of Reckoning*, 51 (1993) p. 219.

inscrutability. They also show that justice and truth, as goals, move on the power of patient persistence.

Popular Co-Agency

We hoped that the new Akali government in Punjab would learn from these global experiences and use the instrumentality of a truth commission, as promised in its election manifesto, to address the issues of past atrocities and also identify the root causes of horrid aberrations from the rule of law characterizing the governance in the state since 1984.

The importance of initiating a public discourse on past abuses, accountability and the culture of impunity becomes evident when we pay attention to the scale and contours of state violence in Punjab from 1984 to 1994. As we know, an extraordinarily large number of people were excluded from the protection of the law on the basis of their collective identity, and an equally large number of people, in an anti-theoretical stance in relation to that identity, participated in the perpetration of violence, directly, in auxiliary roles and as silent supporters. In November 1984, the Sikhs in Delhi were not whisked away to secret locations to be killed by specialized gangs of executioners. They were murdered, maimed, burnt and impaled openly on the streets by large mobs with implements and appliances from their daily working lives: knives, sticks, clubs, stones, kerosene and other such devices. Murderous mobs were, no doubt, mobilized, sometimes transported from nearby villages, and instigated and led by politicians with clout who promised and ensured protection. But there was nothing anonymous, secretive or remote about the carnage. It was done openly by hundreds of thousands of people with many playing supplementary roles and many more returning as spectators from the sites of slaughter, with the blood and flesh of victims on their faces and clothes.

Also, there was nothing clandestine about the state terrorism in Punjab. Security forces picked up suspects very openly, kept them under interrogation at local police stations and other places of detention in accessible localities and then killed them in so-called “encounters” which everyone in the area knew to be bogus. Yet, given the communal cleavages of the situation, the security forces operated under approving eyes and with the complicity of large sections of the population. In our view, attempts to find remedies and restitution for these situations of organized violence and state atrocities cannot be effectual unless they account for and address the dynamics of “popular” co-agency that allowed the abuses to happen and then escape accountability through a compact of official denial and social silence.

Several scholars have examined the subaltern and “popular” character of the state’s genocidal projects in other societies, especially the Nazi period of German history, to understand the historical and political factors that make them manageable. Mahmood Mamdani’s recent book about the genocide in Rwanda, involving the Hutu and Tutsi populations, should be particularly helpful in understanding the communal approval for what happened in Punjab. The book deserves attention because it ventures into the silent spheres of discourse on genocide by examining the perspectives and resonances that make it happen. Particularly relevant for comprehending the Punjabi situation is the approach taken by this outstanding Ugandan

intellectual in examining the histories of “identity formation” in colonial Africa and his analysis about the failures of nationalist revolutions in endowing them with a basis of citizenship that can withstand genocidal impulses.²⁴

Toleration and approval of violence against those who live in the same physical space but do not belong to the inner landscape of human commune is not new in history. In Mark Twain’s *Adventures of Huckleberry Finn*, Huck narrates to Aunt Sally his lucky escape from an explosion in his steamboat. Aunt Sally is startled enough to ask: “Good gracious! Anybody hurt?” “No’m,” comes the answer: “Killed a nigger”. Aunt Sally, feeling relieved, says: “Well, it’s lucky, because sometimes people do get hurt.” Aunt Sally’s contented response captures the heart of darkness in the American South, 20 years before the Civil War, as no scholarly work of history can. “Niggers” were not people and their suffering, their rights and their violations did not filter down to the White consciousness as a matter of concern.²⁵ We know how the ‘demonization’ of Jews as a “deicidal race” and as the progeny of Judas Iscariot succeeded in insulating the world from reports on the Holocaust at a stage when it could have been stopped. Such is the one-sidedness of history as it unfolds in a world that has no regard for a shared perspective on truth.

PART TWO: LEGISLATIVE APPARATUS OF COUNTER-INSURGENCY

Draconian Laws

Protagonists of the Indian establishment habitually repeat the claim that “excesses”, meaning illegal detention, custodial torture, arbitrary executions and enforced disappearances, had become inevitable because terrorism paralyzed the courts of law, which failed to convict the accused brought before them for trial. Merits of this claim require a serious scrutiny with reference to the extraordinary powers the security forces in Punjab enjoyed within the legislative apparatus, created by the Parliament and upheld by the Supreme Court to deal with the insurgency in the state.

In March 1988, the Parliament passed the 59th Amendment of the Constitution enabling the Central government to extend President’s rule in the state beyond one year, impose emergency on the ground of “internal disturbance”, and suspend Article 21 of the Constitution which guarantees that “no person shall be deprived of life and liberty except according to the procedure established by law”.²⁶

The Union government dragged this constitutional amendment through Parliament, despite all of the special legislation already at its disposal. The following

²⁴ Mahmood Mandani, *When Victims Become Killers: Colonialism, Nativism and the Genocide in Rwanda*, Princeton University Press, 2002.

²⁵ Michael Lobban, *White Man’s Justice: South African Political Trials in the Black Consciousness Era*, Oxford University Press, NY, 1996, p. 184.

²⁶ Quoted in Kumar, Sieberer, *The Sikh Struggle*, *Op. Cit.*, pp. 288-289

are some of the black laws then applicable in Punjab, whose draconian provisions were sustained by the Supreme Court's power of judicial review.

1. *The National Security Act, 1980*, which aimed to effectively deal with "the anti-social and anti-national elements" was amended by the Amending Act 24 of 1984 specifically with reference to "the extremist and terrorist elements in the disturbed areas of Punjab and Chandigarh."²⁷ This Act provided for detention without charge or trial for one year in all parts of India, and two years in Punjab.
2. *The Armed forces (Punjab and Chandigarh) Special Powers Act* empowered the security forces to enter and search any premises, and to arrest any person without a warrant. It also allowed the security forces to destroy any place on the suspicion of being a "terrorist hideout" and to shoot to kill a suspected terrorist with immunity from prosecution.²⁸
3. Finally, there were the *Terrorist-Affected Areas (Special Courts) Act, 1984*, and *Terrorist and the Disruptive Activities (Prevention) Act* enacted in May 1985 in Punjab with its lifetime restricted to a period of two years. At the end of this period, the Union government realized, as the statement of objects and reasons in the preamble to the Act explain, that the police required the special powers of the Act "on account of various factors, what were stray incidents in the beginning have now become a continuing menace specially in states like Punjab. On the basis of experience, it was felt that in order to combat and cope with terrorist and disruptive activities effectively, it is not only necessary to continue the said law but also to strengthen it further." With these considerations, the President of India promulgated the Terrorist and Disruptive Activities (Prevention) Ordinance in May 1987. This ordinance was replaced with the Terrorist and Disruptive Activities (Prevention) Act (TADA), 1987, after both the Houses of Parliament passed it as law in September 1987. The lifetime of the Act was again prescribed as two years, but on the due dates of expiry in 1989, 1991 and 1993, TADA was extended for further periods of two years, the last time through the Amending Act 43 of 1993.²⁹

Examination of Provisions of TADA

To understand the depth and reach of the draconian mandate the security forces in Punjab received from the Parliament, upheld by the Supreme Court, we shall examine the provisions of TADA at some length.

The following were the salient features of the Act, extending to the entirety of India and also applied to Indian citizens outside the country.³⁰ The Act was permitted to lapse in May 1995, but the cases initiated prior to 1995 continue to hold legal validity.

The Act defined a *terrorist* as: (1) "Whoever with intent to overawe the government... or to strike terror in the people... or to adversely affect the harmony amongst

²⁷ *The National Security Act, 1980*, Statement of Objects and Reasons to Amending Act 24 of 1984.

²⁸ I. S. Jaijee, *Politics of Genocide*, Chandigarh, 1995, p. 143

²⁹ The Terrorist and Disruptive Activities (Prevention) Act, 1987, Statement of objects and reasons.

³⁰ TADA 1. [2 a & b]

different sections of the people does any act... by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances...in such a manner as to cause, or as is likely to cause death of, or injuries to, any person... or destruction of property or disruption of any supplies of services... or detains any person and threatens to kill or injure such person in order to compel the government or any other person to do or abstain from doing an act, commits a terrorist act; (2) Whoever conspires... or advocates, abets, advises or incites or... facilitates the commission of a terrorist act or any act preparatory to a terrorist act; (3) Whoever harbours or conceals, or attempts to harbour or conceal, any terrorist.³¹

Abetment of a terrorist act meant: “(1) Communication or association with any person... who is engaged in assisting... terrorists or disruptionists; (2) the passing on or publication of ... any information likely to assist the terrorists or disruptionists... and publication of or distribution of any document or matter obtained from them; (3) rendering of any assistance [to them] whether financial or otherwise.”³²

Disruptive activity was defined as any action taken, whether by act or by speech or through any other media or in any other manner... ‘(1) Which questions, disrupts or is intended to disrupt, whether directly or indirectly, the sovereignty and territorial integrity of India; or (2) Which is intended to bring about or supports any claim, whether directly or indirectly, for the secession of any part of India... from the Union; (3) Which advocates, advises, suggests or incites or predicts, prophesies or pronounces or otherwise expresses in such a manner as to incite, advise, suggest or prompt the killing or the destruction of any person bound by oath under the Constitution to uphold the sovereignty and integrity of India.’³³

Punishments for terrorist acts were: (1) Death or imprisonment for the life, also liable to fine if an act resulted in the death of any person; (2) In any other case, the act was punishable with imprisonment for a term not less than five years and extending to imprisonment for life, also liable to fine.³⁴

Disruptive activities were punishable with imprisonment for a term not less than five years and extending for life, also liable to fine.³⁵

Possession of unauthorised arms, ammunition or explosives and helping terrorists or disruptionists to possess them was punishable with imprisonment for a term not less than five years, extending to imprisonment for life, also liable to fine.³⁶

Every offence punishable under the Act was to be tried only in the designated court constituted by the Central or a state government. The government also appointed the presiding judge and additional judges with the concurrence of the chief justice of the high court. These judges continued in their offices even after attaining the age of superannuation under the rules.³⁷

³¹ TADA 3. [1], [3], [4]

³² TADA (2) [a] I, II, & III

³³ TADA, (4) [2] I-II, [3] A-B

³⁴ TADA (3) [2] I-II, [3], [4]

³⁵ TADA (4)

³⁶ TADA, 5 & 6

³⁷ TADA, (9) 1-4, (11) 1-7

Jurisdiction, procedure and powers of designated courts:

- (1) The Central government could with the concurrence of the Chief Justice of India transfer any case pending before a designated court in a state to any other designated court within that state or in any other state if in its opinion such a transfer was necessary for the requirements of a speedy trial, or safety of the witnesses, the prosecutor and the judge, or the interests of justice.³⁸
- (2) A designated court on receiving a complaint or a police report could take cognizance of any offence, without the accused being committed to it for trial. It may also proceed with the trial in the absence of the accused or his pleader and record the evidence of any witness.³⁹
- (3) All proceedings before a designated court could at the discretion of the court be conducted *in camera*. The designated court could take necessary measures to keep the identity and addresses of witnesses secret. It could also decide the place where to hold the proceedings of the trial and suppress the names and addresses of the witnesses from its orders, judgments or in any records of the case. Further, the court could issue directions that the identity and addresses of witnesses would not be disclosed and the proceedings of the court would not be published in any manner. An appeal against any judgment, sentence or order of a designated court could only be addressed to the Supreme Court within a period of 30 days from the date of the order.⁴⁰
- (4) When a person was accused of an offence under the Act, the designated court could order that all his properties be attached during the period of his trial. If the trial ended in conviction, the attached properties were to be forfeited to the government free from all encumbrances. If the court was satisfied on receiving a report from a police officer or an officer of the Central government specially appointed to arrest, investigate and prosecute any person under the Act, that any person who committed an offence under the Act was absconding or was concealing himself from apprehension, it could publish a written proclamation requiring him to appear at a specified place and at a specified time not more than 30 days from the date of publication of such a proclamation. At the non-compliance of the order, the person was to be declared a proclaimed offender.⁴¹

Arrest, investigation and evidence:

- (1) When a person had been declared a proclaimed offender, the evidence regarding his identification by witnesses from his photograph had the same value as the evidence of a test identification parade;⁴²
- (2) No person accused under the Act could avail the remedy of anticipatory bail under Section 438 of the Code of Criminal Procedure, (CrPC), 1973;⁴³
- (3) A person arrested under TADA could be produced before any judicial magistrate, executive magistrate or special executive magistrate, under Section 167 of

³⁸ TADA 11 [2] A-C

³⁹ TADA, (14) 1, 5

⁴⁰ TADA, [16] 1-3, [19] 1-3

⁴¹ TADA, [8] 1-3, [22] 17 of TADA Rules, 1987

⁴² TADA, 22

⁴³ TADA, [20] 7

the CrPC, who could then authorize, irrespective of his jurisdiction, the detention of the accused for the purpose of investigation under police custody for a maximum period of sixty days;⁴⁴

- (4) A person arrested for any offence under the Act could be detained without bail for the maximum period of one year to enable the prosecution to complete investigations against him;⁴⁵
- (5) Even at the expiry of this period, the accused undertrial could not claim bail unless the court *on reasonable grounds* was satisfied that he had neither committed any offence under the Act nor was likely to commit any while on bail;⁴⁶
- (6) Confessions made by an accused, co-accused, abettor or conspirator before a police officer of the rank of superintendent of police, either in writing or recorded in any mechanical device, was admissible as evidence at trial. If the prosecution established that arms or explosives were recovered from the possession of the accused, or that his fingerprints were found at the site of the offence, by the evidence of an expert, or that a co-accused had confessed the involvement of the accused, or that the accused had confessed his offence to any person, the designated court had to presume, unless the contrary was proved, that the accused had committed the offence;⁴⁷
- (7) The recording of confessions and statements, under Section 164 of the Code of Criminal Procedure 1973, could also be made by metropolitan magistrates, judicial magistrates, executive magistrates and special executive magistrates, whether or not they had jurisdiction in the case, at the instance of an officer investigating a case under TADA;⁴⁸
- (8) No government and its officers could be taken to any court in any form for any action which they had *in good faith* done or purported to have done in pursuance of the Act.⁴⁹

Point and Counterpoint: Supreme Court Upholds TADA

Even this cursory examination of the provisions of TADA shows that they were not only excessively harsh with ample scope for misuse and abuse of the fundamental rights guaranteed by chapter III of the Constitution, they also demolished the buffer of procedural safeguards erected by the Indian Penal Code (IPC), the Code of Criminal Procedure (CrPC) and the Indian Evidence Act. Many writ petitions, criminal appeals and special leave petitions were filed before the Supreme Court challenging the constitutional validity of various provisions in the Terrorist Affected Areas (Special Courts) Act (No. 51 of 1984), and the TADA, which the court finally disposed of through the common judgement of *Kartar Singh v. The State of Punjab* pronounced on 11 March 1994.

⁴⁴ TADA, [20] 4

⁴⁵ TADA, [20] 4-b

⁴⁶ TADA, [20] 8 a & b

⁴⁷ TADA, [15] 1-2, [21] 1a-d

⁴⁸ TADA, [20]3

⁴⁹ TADA, [26]

The judgement can be scrutinized in two parts: First in relation to the main arguments that challenged the legality of TADA for destroying the traditionally established safeguards of the criminal procedural regulation; then with reference to the arguments around the larger issue of legislative competence of Parliament to enact the law. For the sake of convenience and brevity, we shall examine the judgement only in the first part of arguments by assembling them under three main principles of procedure destroyed by TADA: [I] The burden of proof; [II] Judicial independence; and [III] Fair trial. Below, we first present the arguments given against TADA, and then the Court's response to these arguments in *Kartar Singh v. The State of Punjab*.

(I) The burden of proof

Arguments

Under traditionally established rules of the criminal trial system in India, no offence is proven nor any charge formulated unless warranted by legal evidence. It is the prosecution's burden to furnish this evidence. According to section 111 of the Evidence Act, the accused are presumed to be innocent until the prosecution, on its onus, establishes the contrary. Section 21 of TADA, as far as it commands the presumption of guilt against the accused, inverted this principle. This aberration from the established legal tradition received a permanent place in the Evidence Act through the insertion of section 111(a), which attended the passing of the Terrorist Affected Areas (Special Courts) Act, 1984.⁵⁰

The definition of the word "abetment" in section 2(1)(a) of TADA eliminated proof of criminal intention or the principle of "*mens rea*". It repudiated the explanations in sections 107 and 108 of the IPC that presuppose wrongful intention as an essential ingredient to the offence of "abetment". Thus, TADA destroyed the essential condition of penal liabilities in the old maxim "*actus non facit reum, nisi mens sit rea*", meaning "the act alone does not amount to guilt, it must be accompanied by a guilty mind". Section 2(1)(a) also overturned several decisions of the Supreme Court requiring the concurrence of intent and act to constitute an offence of "abetment".⁵¹ This part of TADA was unconstitutional and contrary to the principles of fairness and reasonableness.

Section 15 of TADA allowed a police officer of the superintendent's rank to record confessions of the accused in custody, and its section 22 accorded to photographic identification of a proclaimed offender the value of evidence that is

⁵⁰ Supplement to the Evidence Act, 1872, Sec. 111(a); The Terrorist-Affected Areas (Special Courts) Act, 1984. Substance of the relevant sections: 121 - Waging or attempting to wage war, or abetting the waging of war, against the government of India; 121(a) Conspiring to commit certain offences against the State; 122 - Collecting arms, etc., with the intention of waging war against the government of India; 123 - Concealing with intent to facilitate a design to wage war.

⁵¹ *Inder Sain v. State of Punjab*, (1973) 2 SCC 372: 1973 SCC (Cri) 813 - (SCC p. 378, para 20); *State of Maharashtra v. M. H. George*, (1955) 1 SCR 123: AIR 1965 SC 722: (1965) 1 Cri LJ 641 - (SCR p. 139); *Nathulal v. State of M.P.*, AIR 1966 SC 43: 1966 Cri LJ 71 - (AIR p. 45); *Srinivas Mall Bairoliya v. King-Emperor*, AIR 1947 PC 135: 49 Bomb LR 688: (1947) 2 MLJ 328; *Ravula Hariprasada Rao v. State*, 1951 SCR 322: AIR 1951 SC 204: 52 Cri LJ 768; *Sarjoo Prasad v. State of U.P.*, (1961) 3 SCR 324: AIR 1961 SC 631: (1961) 1 Cri LJ 747.

normally assigned to physical identification. These provisions violated the “procedure established by law” as they removed the armour of the Evidence Act under sections 24, 25, 26 and 27, which have prohibited the admission of such evidence in trial since the Act came into operation in 1872. Section 164(a) of the CrPC also absolutely bans the recording of confessions by police officers even when they are conferred with magisterial powers. The TADA also violated the clear command of Article 20(3) of the constitution that “no person accused of any offence shall be compelled to be a witness against himself.”

The police officers in India are known for their oppressive behaviour towards suspects in their custody, and for compelling them under physical torture to make self-incriminating avowals. The National Judicial Commission’s fourth report notes with concern “the inclination of even some of the supervisory ranks to countenance the practice in a bid to achieve quick results... Even well-meaning officers are sometimes drawn towards third degree methods...” Also, the Law Commission’s working paper on “Custodial Crimes”, states that the abuse of police power against detainees has become a concern for the international community.⁵² Thus, the conclusive evidence of custodial crimes that exists against the Indian police and the expert findings on the psychology and consequences of custodial interrogation categorically prohibit the powers that section 15 of TADA bestowed on senior police officers from the rank of superintendent.⁵³ This section of TADA also defiled the unanimous judicial verdict, not only from America and Britain but also of the Supreme Court of India, that custodial disclosures are anathema as evidence in criminal trial.⁵⁴

⁵² Quoted in *Kartar Singh v. State of Punjab* (1994) 3 SCC 569, paras 252 & 382.

⁵³ Kumar Amarasekara, “Confessions: Recent Developments in England and Australia”, *International and Comparative Law Quarterly*, Vol. 29, (1980), pp. 327-29; Edwin D. Driver, “Confession and the Social Psychology of Coercion”, *Harvard Law Review* 42 (1968-69 Vol. 82), pp. 48-60; Arthur E. Sutherland, “Crime and Confession”, *Harvard Law Review* (1965-66 Vol. 79) pp. 21-25, 32-41, 93-97; Saul M. Kassir and Lawrence S. Wrightsman, *Psychology of Evidence and Trial Procedure*, pp. 78-80; Rosemary Paternden, “Should confessions be corroborated”, *Law Quarterly Review*, Vol. 107, 1991, pp. 318-19; A. S. Suckerman, *Principles of Criminal Evidence*, pp. 302-306.

⁵⁴ *Andrew R. Mallory v. USA*, 354 US 449: 1 L Ed 2d 1479 (1957); *Winston Massiah v. United States*, 377 US 201: 12 L Ed 2d 246 (1964); *William Malloy v. Patrick J. Hogan*, 378 US 1: 12 L Ed 2d 653 (1964); *William Murphy v. Waterfront Commission of New York Harbor*, 378 US 52: 12 L Ed 2d 678 (1964); *Ernesto A. Miranda v. State of Arizona*, 384 US 436: 16 L Ed 2d 694 (1966); *Edward v. Arizona*, 451 US 477 (1981); *Arizona v. Robertson*, 486 US 675 (1988); *Periyaswami Mooppan v. Emperor*, ILR (1931) 54 Mad 75: AIR 1931 Mad 177: 32 Cri LJ 448; *Pakala Narayan Swami v. King-Emperor*, 66 IA 66, 81: AIR 1939 PC 47: 40 Cri LJ 364; *Nazir Ahmad v. King-Emperor*, AIR 1936 PC 253: 37 Cri LJ 897; *Bhuboni Sahu v. King*, AIR 1949 PC 257: 76 IA 147: 50 Cri LJ 872; *Palvinder Kaur v. State of Punjab*, 1953 SCR 94, 104: AIR 1952 SC 354: 1953 Cri LJ 154; *M.P. Sharma v. Satish Chandra, District Magistrate, Delhi*, 1954 SCR 1077: AIR 1954 SC 300: 1954 Cri LJ 865; *Ram Chandra v. State of U. P.*, AIR 1957 SC 381, 386: 1957 Cri LJ 559; *Tahsildar Singh v. State of U. P.*, AIR 1959 SC 1012: 1059 Supp 2 SCR 875: 1959 Cri LJ 1231; *Raja Narayanlal Bansilal v. Maneck Phiroz Mistry*, (1961) 1 SCR 417: AIR 1961 SC 29: (1960) 30 Comp Cas 644; *State of Bombay v. Kathi Kalu Oghad*, (1962) 3 SCR 10: AIR 1961 SC 180: (1961) 2 Cri LJ 856; *Hari Charan Kurmi and Jogia Hajam v. State of Bihar*, (1964) 6 SCR 623: AIR 1964 SC 1184: (1964) 2 Cri LJ 344; *Nandini Satpathy v. P. L. Dani*, (1978) 2 SCC 494: 1979 SCC (Cri) 155: AIR 1978 SC 1675; *Sheela Barse v. State of Maharashtra*, (1983) 2 SCC 96: 1983 SCC (Cri) 353: AIR 1983 SC 378; *Special Courts Bill, 1978, Re*, (1979) 1 SCC 380: AIR 1979 SC 478, 518: (1979) 2 SCR 457; *V. M. Ranga Rao v. State of A. P.*, (1985) AP LJ 361; *State of Maharashtra v. Sukhdev Singh*, (1992) 3 SCC 700: 1992 SCC (Cri) 705: JT (1992) 4 SC 73.

Sections 20(7), 20(4)(b) and 20(8) of TADA were tarnished by the same insuperable presumption of guilt at impeachment. Preclusion of anticipatory bail by 20(7) destroyed the protection offered by section 438 of the CrPC to the innocent against the manifest abuse of police power. The protection under section 438 does not offer an unequivocal right; it only empowers the judiciary to exercise the discretion of bail, conditional to the satisfaction that the availing person is neither likely to abscond nor obstruct the investigations pending against him. Section 20(4)(b) of TADA allowed 60 days of police custody of an accused under interrogation, and one year of judicial remand without bail. The prosecution was given this period to complete its investigations, and file the charge-sheet against the accused for the trial before the designated court. In contrast, section 167(2) of the CrPC permits an accused to be held in police custody for a maximum period of 15 days, and for 90 days in judicial custody, to allow the prosecution to complete its investigations. The extended period of remand under TADA, which also plugged bail, vitiated the doctrine of “speedy trial”, recited as the main objective justifying the legislation. At the end of this period, even when the prosecution was unable to submit the charge-sheet, the accused was still effectively barred from the benefit of bail under section 20(8) of TADA. This section required that “no person accused of an offence under TADA” would be released on bail unless the designated court was satisfied on “reasonable grounds” that “he is not guilty of such offence and that he is not likely to commit any offence while on bail.” In the absence of a charge-sheet, neither could the accused adduce the evidence of his innocence, nor could the designated court authenticate his guiltlessness ahead of the actual trial, let alone certify that he would not “commit any offence while on bail”. Thus, section 20(8) ensured that no one accused under TADA, irrespective of the span of time he may already have spent in custody as an undertrial, could secure bail unless the prosecution was gratified to allow it.

The Court's Response

We will now present the Supreme Court of India's reasoning in response to these specific objections raised against TADA in its *Kartar Singh v. State of Punjab* decision:

The provisions of TADA, aiming to provide for speedy trial of terrorist and disruptive offences, were drastic because the normal procedures of criminal trial were inadequate in fulfilling this objective. The stern stipulations of TADA were inseparable from and necessary for reaching this legislative objective. The transfer of the burden of proof to the accused, as well as other stringent provisions of TADA such as the enhanced punishments, dispensation of the committal proceedings, summary trial, in-camera proceedings of the court, trial in the absence of the accused and his lawyer, admission of confessional evidence, etc., were all seen as consistent with the main postulate of speedy trial, which derives from the Magna Carta and the Sixth Amendment of the American Constitution. According to the court, Parliament had the competence to enact laws whose procedures deviated from, even overrode, the rules of trial in the Code of Criminal Procedure and the Evidence Act. Stringency and harshness of such provisions was seen as a matter of legislative wisdom, and the court could not question it if it was based on a reasonable classification of offences and offenders for separate treatment.

By fulfilling this criterion, TADA became unassailable on the ground of invidious discrimination.⁵⁵

The exclusion of “*mens rea*” from the definition of “abetment”, according to the Additional Solicitor General appearing for the state, aimed to fulfil the objects of the Act in the period of escalated terrorism when it may not have been possible to prove the “intention” while establishing the physical facts. This position was seen as contrary to the established view that knowledge was an essential ingredient of the offence. However, the court can and did go beyond the ordinary grammatical meaning of the words to detect the actual intention of the legislature and to decide whether the presumption of knowledge should be imported into the definition of abetment, although it was verbally missing there. As the substantive provisions of the Act required the intention of offence, it was logical to assume that this ingredient of knowledge was silently implied also in the definition of abetment. To remove the anomaly which crept in from the lexical deficiency in the actual definition and this presumption of immanence, the court directed that “*the actual knowledge or reason to believe on the part of a person to be roped in with the aid of that definition should be read into it instead of reading it down...*”⁵⁶

Regarding the admissibility of confessions recorded by senior police officials, the Court was first inclined to expunge it for infringing the basic procedural safeguards in the criminal trial system. However, after examining the issue in the light of legislative competence to alter the procedures of trial, the meaningful objectives of the legislation, and the gravity of terrorism, the court felt convinced that “the impugned section cannot be said to be suffering from any vice of unconstitutionality.” The court cited the National Police Commission’s fourth report from June

⁵⁵ *Kartar Singh v. State of Punjab*, (1994) 3 SCC 569, paras 4, 83, 84, 145, 159, 198, 224-244, 327. The Supreme Court relied on the precedence of the following decisions: *N. B. Khare v. State of Delhi*, 1950 SCR 519; AIR 1950 SC 211; 1951 Cri LJ 550; *Kathi Raning Rawat v. State of Saurashtra* v. 1952 SCR 435; AIR 1952 SC 123; 1952 Cri LJ 805; *Kedar Nath Bajoria v. State of W.B.*, 1954 SCR 30; AIR 1953 SC 404; 1953 Cri LJ 1621; *State of Bombay v. R. M. D. Chamarbaugwala*, 1957 SCR 874; AIR 1957 SC 699; *Pannalal Biniraj v. Union of India*, 1957 SCR 233; AIR 1957 SC 397; (1957) 31 ITR 565; *Talib Haji Hussain v. Madhukar P. Mondkar*, 1958 SCR 1226; AIR 1958 SC 376; 1958 Cri LJ 701; *Kangsari Haldar v. State of W. B.*, (1960) 2 SCR 646; AIR 1960 SC 457; 1960 Cri LJ 654; *A. K. Roy v. Union of India* (1982) 1 SC 271; 1982 SCC (Cri) 152; (1982) 2 SCR 272; *State of W. B., v. Anwar Ali Sarkar*, 1952 SCR 284; AIR 1952 SC 75; 1952 Cri LJ 510; *Asbury Hospital v. Cass County*, 90 L Ed 6; 326 US 207 (1945); *Goesaert v. Cleary*, 93 L Ed 163; 335 US 464 (1948); *Railway Express Agency v. New York*, 93 L Ed 533; 336 US 106 (1948).

⁵⁶ *Kartar Singh v. State of Punjab*, *ibid*, paras 100, 110-111, 113-116, 125-134. The court relied on the precedence of the following judgements: *Sarjoo Prasad v. State of U.P.*, (1961) 3 SCR 324; AIR 1961 SC 631; (1961) 1 Cri LJ 747; *Pukhraj v. D. R. Kohli*, 1962 Supp 3 SCR 866; AIR 1962 SC 1559; *Nathulal v. State of M. P.*, AIR 1966 SC 43; 1966 Cri LJ 71; *Y. S. Parmar v. Hira Singh Paul*, 1959 Supp 1 SCR 123; AIR 1965 SC 722; (1965) 1 Cri LJ 641; *State of Maharashtra v. Mayer Hans George*, (1965) 1 SCR 123; AIR 1965 SC 722; (1965) 1 Cri LJ 641; *Jagdish Prasad v. State of W. B.*, (1972) 1 SCC 326; 1972 SCC (Cri) 63; (1972) 2 SCR 845; *Collector of Customs v. Chetty Nathela Sampathu*, (1962) 3 SCR 786; AIR 1962 SC 316; (1962) 1 Cri LJ 364; *Inder Sain v. State of Punjab*, (1973) 2 SCC 372; 1973 SCC (Cri) 813; *South Asia Industries v. S. Sarup Singh*, AIR 1966 SC 346, 348; (1966) 3 SCR 829; (1968) Pun LR 108(D); *S. Narayanaswami v. G. Panneerselvam*, (1972) 3 SCC 717; AIR 1972 SC 2284; *Directorate of Enforcement v. Deepak Mahajan*, (1994) 3 SCC 440; JT (1994) 1 SC 290; *Brand v. Wood*, 62 TLR 462, 463; *Sherras v. De Rutzen*, (1895) 1 QB 918; 11 TLR 369; *Nichollas v. Hall*, LR (1873) 8 CP 322; 28 LT 473.

1980, which makes an ardent plea for the removal of the existing ban on the entry of confessional statements recorded by police officials into the area of judicial proceedings. Of course, the court had frequently dealt with cases of police atrocities. “We remorsefully like to state that on few occasions even custodial deaths caused during interrogation are brought to our notice. We are very much distressed and deeply concerned about the oppressive behaviour and the most degrading and despicable practice adopted by some of the police officers...” But, according to the court, the mere possibility of abuse was not a valid ground to challenge the validity of a statute. Section 15 of TADA did not offend either Article 14 or Article 21 of the Constitution. However, the Court expected the police officials to follow its guidelines on recording confessions so that they were not tainted with any vice.⁵⁷

The abolition of anticipatory bail by section 20(7) of TADA was seen as consistent with the legislative mandate to rigorously quell the terrorist and disruptive menace. The provision of anticipatory bail under section 438 of the CrPC was newly introduced in 1973 at the recommendation of the 41st report of the Law Commission and, therefore, was not given the deference of established tradition. Likewise, the extended period of pre-trial detention under section 20(4)(b) could not be attacked on the ground that it discredited the doctrine of speedy trial. Terrorists and saboteurs of the national sovereignty belonged to secret societies, and their activities covered large areas, both domestically and internationally. Investigation of their crimes justifiably required longer periods and, as held by the American Supreme Court in *Beavers v. Haubert* case “The right of a speedy trial is necessarily relative. It is consistent with delays and depends upon circumstances. It secures rights to a defendant. It does not preclude the rights of public justice.” Similarly, the contention that section 20(7) of TADA made it impossible for even the innocent to get bail and, therefore, violated Articles 21 and 14 of the Constitution guaranteeing the rights to life, liberty and equality before law, failed when compared to the terrorist threat to the society. All deprivation of liberty was validated by social defence. The Court was fettered by the wisdom of a competent legislature and it had no option but to refuse bail unless it was *prima facie* established that the case did not fall within the scope of TADA. The Supreme Court had, no doubt, come across many cases where “the prosecution unjustifiably invokes the provisions of TADA with an oblique motive of depriving the accused persons from getting bail.” But the Court hoped that the public prosecutors would learn to act like “prosecutors on behalf of the public and not the police,” and also the judges of the designated courts would discharge their functions as the repositories of human rights enshrined in the Constitution. Unless this happened, the Court warned, “it cannot be said that the provisions of TADA are enforced effectively in consonance with the legislative

⁵⁷ *Kartar Singh v. State of Punjab*, *ibid*, paras 225, 250-252, 253, 260, 263-265. The court cited the following judgements to authenticate the section 15 of TADA: *Gurbachan Singh v. State of Bombay*, 1952 SCR 737; AIR 1952 SC 221; 1952 Cri LJ 1147; *State of U.P. v. Durga Prasad*, (1975) 3 SCC 210; 1974 SCC (Cri) 828; AIR 1974 SC 2136; *Balkishan A. Devidayal v. State of Maharashtra*, (1980) 4 SCC 600; 1981 SCC (Cri) 62; AIR 1981 SC 379; *Ramesh Chandra Mehta v. State of W. B.*, (1969) 2 SCR 46; AIR 1970 SC 940; 1970 Cri LJ 863; *Poolpandi v. Superintendent, Central Excise*, (1992) 3 SCC 259; 1992 SCC (Cri) 620; *Ekambaram v. State of T. N.*, 1972 MLW (Cri) 261.

intendment.” Be that as it may, the conditions for the grant of bail imposed by section 20(7) of TADA were constitutionally sound.⁵⁸

(II) Judicial independence

Arguments

The following provisions of TADA substantially undermined the principle of judicial independence: [a] the powers vested in the executive to appoint judges for the designated courts who could continue to serve even after attaining the age of superannuation, under section 9(4) and (8) of TADA; [b] The power to transfer any case from one designated court to another, within or without the state, under section 11; [c] The delegation of judicial functions to executive magistrates under sections 20(3) and (4); and finally [d] The eradication of high courts’ jurisdiction over the designated courts under sections 19(1) and (2).

From the outset, judges are government appointees, with the chief justice of the concerned high court only formally concurring. Designated judges of the special courts continued to hold office after attaining the age of superannuation, at the pleasure of the executive which could terminate their service when it liked. In reference to the Special Courts Bill, 1978, the Supreme Court had held that appointment of a retired high court judge to a special court, even if made in consultation with the Chief Justice of India, was invalid because it fostered the pleasure doctrine, subversive to the independence of the judiciary.⁵⁹ The “*ratio decidendi*” of this decision that the judicial service must be coterminous with the age of superannuation was clearly violated by section 9(7) of TADA.

Under section 11(2) of TADA, the transfer of a case from one designated court to any other designated court, within or without the state, was not a matter of judicial but executive decision. The necessary concurrence of the Chief Justice of India in the government’s motion to transfer a case was only a formal requirement, a statutory obligation to help an executive decision. Section 11(2) did not even give the Chief Justice of India the power to hear the person affected by the executive motion of transfer before giving or refusing his concurrence. Thus, section 11(2) of TADA not only vitiated the principle of judicial independence, it also destroyed the important rule of “*audi alteram partem*,” which means that a person who is going to be affected by an order must have prior notice and an opportunity to be heard before it is enforced.

Sections 20(2), (3) and (4) of TADA surreptitiously imported executive officers, appointed under sections 20 and 21 of the CrPC, to render important judicial services to the prosecution at sensitive stages of the proceedings immediately after arrest: To authorize periodical custody under interrogation and to record

⁵⁸ *Kartar Singh v. State of Punjab*, *ibid*, paras 90, 319-320, 326-9, 341, 347 - 352. Citations: *Beavers v. Haubert*, 198 US 77, 87: 49 L Ed 950, 954 (1905); *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565: 1980 SCC (Cri) 465: (1980) 3 SCR 383; *Bimal Kaur Khalsa v. State of Punjab*, AIR 1988 P&H 95: (1988) 93 Punj LR 189: 1988 Cri LJ 169; *Usmanbhai Dawoodbhai Memon v. State of Gujarat*, (1988) 2 SCC 271: 1988 SCC (Cri) 318; *State of Maharashtra v. Anand Chintaman Dighe*, (1990) 1 SCC 397: 1990 SCC (Cri) 142.

⁵⁹ *Special Courts Bill*, 1978, In re, (1979) 1 SCCC 380: (1979) 2 SCR 476 - (SCC p. 435, para 96)

confessions under sections 164 and 167 of the Code of Criminal Procedure. Section 20 of the CrPC allows the government to appoint even police officers as special executive magistrates to perform particular functions in particular areas for such terms as it may think fit.⁶⁰ Thus, it is obvious that these provisions of TADA altogether destroyed the scheme of separation of the judiciary from the executive, as Article 50 of the Indian Constitution enunciates.

Finally, sections 19(1) and (2), read conjointly with sections 9, 11 and 12, abrogated the high courts' powers over the designated courts. These powers, under Articles 225, 226, 227 and 228 of the Constitution and sections 439 and 482 of the CrPC, are to make rules, to regulate proceedings, to issue writs, to superintend the working of and to expropriate cases involving substantial questions of law pending before the subordinate courts, to grant bail or to prevent abuse of judicial process in any court. Confirmed by the Supreme Court in the *Usmanbhai Dawoodbhai Memon v. State of Gujarat* case this eradication of the high courts' powers in relation to the Designated Courts had the effect of raising a quasi-judicial apparatus in the service of the executive, encroaching on and destroying the hierarchy of courts in their independent sphere as envisaged by the Constitution.⁶¹ The high courts, although required to concur in the appointment of judges to the designated courts, ceased to have any administrative or judicial supervision over their subsequent conduct, whose judgements and orders could be challenged only before the Supreme Court. In reference to the Special Courts Bill, 1978, the Supreme Court had held that the Constitution did not permit the establishment of a criminal court that was not subordinate to the high court. The Supreme Court had said: "It is not permissible for Parliament or a state legislature to ignore or bypass that scheme of the Constitution by providing for the establishment of a civil or criminal court, parallel to a high court in a state, or by way of an additional or extra or a second high court, or a court other than a court subordinate to the high court. Any such attempt would be unconstitutional and will strike at the independence of the judiciary which has so nobly been enshrined in the Constitution and so carefully nursed over the years."⁶² Application of this decision should have certainly required that sections 9, 11, 12 and 19 of TADA be repudiated as unconstitutional.

The Court's Response

Section 9(7), allowing the judges of the designated courts to continue in their positions after reaching the age of superannuation, did not offend any constitutional provision. According to the Supreme Court, the reference to the Special Courts Bill, 1978, was futile since the court had only overruled the proposal to nominate already retired judges to preside over special courts. As TADA did not provide for such appointments, there was no illegality involved. However, the Court recommended that the judges appointed to designated courts should already have had sufficient tenure of service so that their seniority was not in doubt and their continuance after the age of superannuation was not remonstrated.⁶³

⁶⁰ *V. M. Ranga Rao v. State of A. P.*, (1985) 3 APLJ 361.

⁶¹ *Usmanbhai Dawoodbhai Memon v. State of Gujarat*, (1988) 2 SCC 271: 1988 SCC (Cri) 318.

⁶² *Special Courts Bill*, 1978, (1979) 1 SCC 380: AIR 1979 SC 478, 518: (1979) 2 SCR 475 - SCC pp. 455-6, paras 151-4.

⁶³ *Kartar Singh v. State of Punjab*, *ibid*, paras 165-168.

The power of the government, under section 11(2) of TADA, to transfer a case from one designated court to any other, within or without the state, was shielded by the condition of obtaining the concurrence of the Chief Justice of India. This absolved the government's orders from motivations of bias and *mala fide*. Of course, the concurrence was not an order of transfer passed by the government. It was an important statutory condition, an imperative, even when it did not adjudicate any "lis" or determine any issue. Therefore, the principle of "*audi alteram partem*" did not apply. Also, the application of this principle could paralyse or even frustrate the nature of the action contemplated by the government. Consequently, Parliament in its legislative competence had excluded the rule. However, in exceptional circumstances, the issue was open to examination by the Chief Justice of India, and he could obtain the view of the accused.⁶⁴

Sections 20(2), (3) and (4) of TADA permitted the construction of reference to "metropolitan magistrate or judicial magistrate" to include executive and special executive magistrates, who could carry out committal proceedings, also record confessions, whether or not they possessed jurisdiction in a case under investigation. According to the Court, the argument that the inclusion of executive magistrates and special executive magistrates in important judicial spheres destroyed the separation of the judiciary, failed when examined against concrete legal positions. Section 6 of the CrPC includes executive magistrates in one of the classes of criminal courts. No doubt, judicial functions they perform are very few, and part 4(b) of section 3 in the code seems to limit their work to matters of an administrative nature. However, the code itself includes them in the performance of quasi-judicial functions in investigating and preventing breaches of peace etc., under sections 107 to 110, and others. These functions are revisable in the sense of "judicial proceedings". It is true that the code does not associate special executive magistrates, by their designation, with any of these functions. But it does say under section 21 that they are appointed for a term that the government thinks fit "for particular areas or for the performance of particular functions." This means that they are by no means *persona non grata* within the machinery of criminal adjudication. Therefore, their inclusion by sections 20(2), (3) and (4) of TADA to perform committal proceedings and to record confessions along with other judicial magistrates did not violate the principles of criminal jurisprudence.

The second related question was whether the grant of judicial functions to these magistrates vitiated the principle of separation of the judiciary from the executive under Article 50 of the Constitution. The Supreme Court had repeatedly held that executive magistrates, while they perform judicial functions, are judicial officers. In *Ram Jawaya Kapur v. State of Punjab*, the Court held that while independence of judiciary was sacrosanct, "the Indian Constitution has not indeed recognised the doctrine of separation of powers in its absolute rigidity..." The executive was also involved in departmental or subordinate legislation, as well as in judicial functions in a limited way. Thus, the Court maintained that it followed that sections 20(2), (3) and (4) offended neither Article 50 nor Articles 14 - equality before law - and 21 -

⁶⁴ *Kartar Singh*, *ibid*, paras 173-191. The Court referred to the precedence of the following judgements: *Satya Vir Singh v. Union of India*, (1985) 4 SCC 252; 1986 SCC (L&S); *C. B. Gautam v. Union of India*, (1993) 1 SCC 78; *R v. Cain*, (1975) 2 All ER 850; (1975) 3 WLR 131.

protection of life and personal liberty - of the Constitution. It would always be desirable that judicial magistrates record confessions. But when there were compelling reasons, the court found that the executive or special executive magistrates could also do so.⁶⁵

Section 19 provided that the right of appeal against any judgment or order of the designated court could only be exercised before the Supreme Court. Of course, this provision took away the right of appeal to the succession of appellate and revisional courts, which the CrPC provides, and also the right of appeal to the Supreme Court on the grant of leave under Article 136 of the Constitution, both at the remedial and procedural levels. The Court found that although the provision affected the jurisdiction of the high court, it was in conformity with the doctrine of speedy trial and did not suffer from constitutional invalidity. However, the provision created inconveniences for persons acquitted by the designated courts for offences under TADA, but convicted under other penal laws. Even in this situation the aggrieved were denied the regular procedure of appeal, and the Supreme Court was beyond their reach, either because of financial constraints or because they lived in far-flung areas. Therefore, if a person was acquitted of the offences under TADA, he had to have the right of appeal before the next appellate court.⁶⁶

The question of high courts' powers under Articles 226, 227 and sections 439, 482 was more intricate. Some of the high courts had taken the view that their jurisdiction even in regard to cases under TADA could not be whittled down. Apparently this view contradicted the manifest intention of Parliament to exclude high courts' jurisdiction in TADA matters. The vastness of powers which the high courts enjoyed under Article 226 also imposed on them the responsibility to exercise them with circumspection. The TADA was a special Act that aimed to meet the challenges arising out of terrorism and disruption. It provided that an appeal against any order of the designated courts had to lie only before the Supreme Court. According to the court, the high courts would defeat the clear intent of Parliament if they exercised their powers under Article 226 to obstruct this provision, or entertained bail applications under other provisions of the Constitution and the CrPC. It was, therefore, necessary that in relation to TADA matters, the high courts exercised their powers under Article 226 most sparingly and only in extreme circumstances: "What those rare cases are and what would be the circumstances that would justify the entertaining of applications under Article 226 cannot be put in strait-jacket. However, we would like to emphasise and re-emphasise that the judicial discipline and comity of courts require that the high

⁶⁵ *Kartar Singh v. State of Punjab*, *ibid*, paras 302, 305, 306, 308, 310-317. The court relied on the following citations: *Subramaniam v. Commissioner of Police*, AIR 1964 Mad 185: (1964) 1 Cri LJ 519; *Directorate of Enforcement v. Deepak Mahajan*, (1994) 3 SCC 440: JT (1994) 1 SC 290; *Statesman (P) Ltd. v. H. R. Deb*, (1968) 3 SCR 614: AIR 1968 SC 1495; *Shree Hanuman Foundries v. H. R. Deb*, Matter No. 120 of 1961, decided on July 28, 1965; *Shri Kumar Padma Prasad v. Union of India*, (1992) 2 SCC 428: 1992 SCC (L&S) 56 (1992) 20 ATC 230; *Chandra Mohan v. State of U.P.*, (1967) 1 SCR 77: AIR 1966 SC 1987; *Ram Jawaya Kapur v. State of Punjab*, AIR 1955 SC 549: (1955) 2 SCR 225.

⁶⁶ *Kartar Singh v. State of Punjab*, *ibid*, paras 291-297: Citations: *Syed Qasim Razvi v. State of Hyderabad*, 1953 SCR 589: AIR 1953 SC 156: 1953 Cri LJ 862; *V. C. Shukla v. State*, 1980 Supp SCC 249: 1980 SCC (Cri) 849: AIR 1980 SC 1382.

courts should refrain from exercising their jurisdiction in entertaining bail applications in respect of an accused indicted under the special Act.”⁶⁷

(III) Fair Trial.

Arguments

The TADA used the dogma of speedy trial as an all-encompassing cover to destroy the fundamental principles of fair trial. Apart from the power of the government to transfer a case from one designated court to any other, within or without the state, without giving the accused the opportunity to present his viewpoint, the following provisions offended the fundamental principles of free and fair trial: (a) Section 14(5) allowed the designated courts to proceed with the trial even in the absence of the accused or his pleader; (b) Provisions of section 16 allowed the designated courts to hold the trial *in camera*, to suppress the identity of the witnesses against the accused, and to prohibit the dissemination of the proceedings in any manner; and (c) Section 8 permitted the attachment of the property belonging to an accused, and its forfeiture, without encumbrances, at his conviction.

The Court's Response

According to the Supreme Court, there was no doubt that the impugned Act was very harsh and contained many drastic provisions. They departed from the procedures prescribed under normal laws in order to effectively deal with offenders indulging in terrorist and disruptive activities. The Supreme Court's judgement in *A. K. Roy vs. Union of India* had settled the issue that “the right to public trial is not one of the guaranteed rights under our Constitution as it is under the Sixth Amendment of the American Constitution...” Although trials were traditionally open, there could not be any legal prohibition against holding them *in camera* under exceptional circumstances. The suppression of the identity of witnesses was necessary to protect them from terrorist reprisals. This could indeed upset the right to cross-examination, which could not be carried out without the identity of the witnesses. However, the solicitor representing the state relied on several decisions of the court to point out that that the right to cross-examine was neither absolute nor a constitutional right. There was no constitutional or statutory constraint against the secrecy of a witness, and the Supreme Court had upheld the non-disclosure of identity to be permissible in extraordinary circumstances. In normal circumstances, names and addresses of witness were disclosed before the commencement of the trial. Under TADA, the court could decide not to disclose them, either on its own motion or on the application made by a witness or the public prosecutor on his behalf.

Also, the Court maintained that the arguments against section 8 of TADA lacked

⁶⁷ *Kartar Singh v. State of Punjab*, *ibid*, paras 354 - 357, 358 - 359. Citations: *Rafiq Abid Patel v. Inspector of Police, Thane*, 1992 Cri LJ 394 (Bom); Writ Petition (Cri) No. 458 of 1991, decided on April 25, 1991; *Usmanbhai Dawoodbhai Memon v. State of Gujarat*, (1988) 2 SCC 271; 1988 SCC (Cri) 318; *State of Maharashtra v. Abdul Hamid Haji Mohammed*, (1994) 2 SCC 664; *Waryam Singh v. Amarnath*, 1954 SCR 565; AIR 1954 SC 215; *State of Gujrat v. Vakhisinghji Sursinghji Vaghela*, (1968) 3 SCR 692; AIR 1968 SC 1481; *Ahmedabad Mfg. v. Ram Tahel Ramnand*, (1972) 1 SCC 898; *Mohd. Yunus v. Mohd. Mustaqim*, (1983) 4 SCC 566; *Mani Nariman Daruwala v. Phiroz N. Bhatena*, (1991) 3 SCC 141; *Narcotics Control Bureau v. Kishan Lal*, (1991) 1 SCC 705; 1991 SCC (Cri) 265.

merit. Discretionary powers of the designated court to attach the property of the accused and to forfeit it after conviction, exercised under strict contingencies, could not be challenged. Of course, forfeiture to government “free from all encumbrances” could amount to unmerited punishment of third parties, with no connection to the offence, who had legal rights in the property. However, the solicitor representing the state contended that the third parties could always enforce their rights in the property against the terrorists in the normal procedure.⁶⁸

Subordination of Fundamental Rights to the Will of the State

Such was the verdict of the Supreme Court that upheld TADA under its powers of judicial review of legislation. In the process, the Court also invoked the doctrine of Parliament’s ‘legislative competence’ to enact stern laws that departed from normal standards of justice to combat separatist threats to India. This position, first formulated in *A. K. Gopalan vs. State of Madras* in 1950, had found its odious culmination in *A. D. M. Jabalpur v. S. Shukla* in 1976, upholding the constitutional amendments that legalized Indira Gandhi’s Emergency regime from June 1975 to March 1977. Protecting the constitutional amendments during the Emergency that abrogated all fundamental rights of citizens, then Chief Justice A. N. Ray had ruled: “Where the government believes the state to be threatened by traitorous conspiracies during times of grave emergencies, the rights of individuals of ordinary times become subordinate to the considerations of the state.” Justice M. H. Beg elucidated: “The will of the state, indicated in some form of expression, is the law, the subject of jurisprudence, and no natural rule which may exist, forms a part of the law unless identified with the will of the state so indicated. What the state wills is the coterminous measure of law; no pre-existing rule is the measure of that will.”⁶⁹

This view of “legislative competence” of Parliament was allegedly alleviated by the affects of the forty-fourth amendment to the Constitution in 1978, following the end of the Emergency, and by the ratio of *Maneka Gandhi Vs. Union of India*.⁷⁰ The 44th Amendment Act of 1978 provides that the suspension of fundamental rights under any law or executive order in the situation of a proclaimed Emergency, under Articles 358 and 359 of the Constitution, can be shielded only if the suspension is limited to the purpose of the Emergency through a clear recital. It also provides that the enforcement of the rights to life and personal liberty, guaranteed by Article 21 of the Constitution, cannot be destroyed even in such a situation.⁷¹

The *Maneka Gandhi v. Union of India* case, described as a landmark in the

⁶⁸ *Kartar Singh v. State of Punjab*, *ibid*, paras 145, 149-157, 266, 269, 275, 280-290. Citations: *A. K. Roy v. Union of India*, (1982) 1 SCC 271; 1982 SCC (Cri) 152; (1982) 2 SCR 272; *Vimal Kaur Khalsa v. State of Punjab*, AIR 1988 P&H 95; (1988) 93 Punj LR 189; 1988 Cri LJ 160; *Gurbachan Singh v. State of Bombay*, 1952 SCR 737; AIR 1952 SC 221; 1952 Cri LJ 1147; *Hira Nath Mishra v. Principal, Rajendra Medical College, Ranchi*, (1973) 1 SCC 805; *Russell v. Duke of Norfolk*, (1949) 1 All ER 109; *Byrne v. Kinematograph Renters Society*, (1958) 2 All ER 579; (1958) 1 WLR 762; *Gurbachan Singh v. State of Bombay*, 1952 SCR 737; AIR 1952 SC 221; 1952 Cri LJ 1147.

⁶⁹ *A. D. M., Jabalpur v. S. Shukla* AIR 1976 Supreme Court 1207 (Ray C. J., para 29, Beg J. paras 248 & 250)

⁷⁰ *Maneka Gandhi v. Union of India*, A. I. R. 1978 S. C. 597, Paras. 54-56-63.

⁷¹ D. D. Basu, *Introduction to the Constitution of India*, Seventeenth Edition, Prentice-Hall, p. 132.

juridical rehabilitation of the “due process” concept, imported the test of reasonableness and fairness to determine the validity of a law that deprives personal liberty. According to this case the emphasis on the “procedure established by law” in Article 21 of the Indian Constitution was now to be moderated by the position that the law must also prescribe a procedure that is not arbitrary, unfair or unreasonable. The case supposedly restored the necessary amplitude to the interpretation of the rights to life and liberty by underscoring the variety of overlapping rights they incorporate. It held that a substantive legal restriction on the rights to life and liberty must not, as its inevitable corollary, infringe on other rights immanent to them. Subsequent cases decided by the Supreme Court have echoed these principles.⁷²

In another important judgement, *Minerva Mills Ltd. vs. Union of India*, the Supreme Court pronounced that the Parliament could not claim unlimited powers to amend the Constitution to the extent that it abrogates its basic features.⁷³

However, as we observed, these lofty positions on the primacy of fundamental human rights guaranteed by the chapter-III of the Indian Constitution, had no effect when the Supreme Court upheld the validity of TADA. The decision in *Kartar Singh Vs. the State of Punjab*, in fact, pushed the doctrine of “legislative competence” beyond the position of *A. D. M. Jabalpur Vs. S. Shukla* into the turbid region of the “Pleasure Principle”, permitting the Parliament to expunge individual liberties and procedural safeguards guaranteed by the chapter III of the Constitution even without the proclamation of an emergency. In other words, and as we shall repeatedly see, the benefit of fundamental rights and the procedural safeguards of the established law for politically suspect groups depended on the “pleasure” of the Parliament, the judiciary and the executive.

This was the milieu of legislative and judicial approval, in which the security forces in Punjab, throughout the period under scrutiny, were able to carry out their anti-insurgency operations. And, by all available accounts, they were employing the extraordinary powers made available to them under the new legislations like TADA to the maximum possible extent. According to the National Human Rights Commission (NHRC), the Punjab police registered 17,529 cases under TADA since its promulgation in 1985 to the end of July 1994.⁷⁴ In October 1993, according to the Union home ministry, the total number of detentions under TADA was 52,268. According to the ministry, the conviction rate of those tried by designated courts was 0.81 per cent. In Punjab, according to the same source, the conviction rate was 0.37 per cent.⁷⁵ On 24 August 1994, former minister of state for home Rajesh Pilot

⁷² Maneka Gandhi v. Union of India, A. I. R 1978 S. C. 597, Paras. 54-56, 63; Sunil Batra v. Delhi Administration A. I. R. 1978 S. C. 1675, para. 228; Hussainara v. State of Bihar, A. I. R. 1979 S. C. 1360-1365; *State of Maharastra v. Champalal*, A. I. R. 1981, S. C. 1675-1677; *Bachan Singh v. State of Punjab*, (1982) 3 SCC 24, para 83; *Sher Singh v. State of Punjab*, A. I. R. 1983 S. C. 465; *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161, 183-184 and *Bandhua Mukti Morha v. Union of India*, (1991) 3 SCC 482; *S. C. Legal Aid Committee v. State of Bihar*, (1991) 3 SCC 482; *State of Maharashtra v. Ravikant S. Patil*, (1991) 2 SCC 373; *Unni Krishnan v. State of A. P.*, (1993) 1 SCC 645; *Francis Coralie Mullin v. Administrator, Union Territory of India*, (1981) 1 SCC 608; *P. Rathiram v. Union of India*, (1994) 3 SCC 394.

⁷³ *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625, 643, 675-679

⁷⁴ *The Times of India*, 8 August 1994; I. S. Jaijee, *Politics of Genocide*, Chandigarh, 1995, pp. 135-137, 147

⁷⁵ Government of India, Ministry of Home Affairs, Memorandum to the Full Commission of NHRC, ‘Annexure I’, 19 December 1994.

disclosed that approximately 67,000 individuals had been detained since TADA came into force. Out of these, only 8,000 were tried and only 725 were convicted. Some 59,509 people had been detained with no case being brought against them. The TADA Review Committee found that TADA was wrongly applied in more than 50,000 cases.⁷⁶ According to Sitaram Yechuri, the general secretary of the Communist Party of India (Marxist), "Of the 76,036 people arrested by mid-1994, nearly 99 per cent or 75,200 were at different stages of trial or had not been produced before any court at all."⁷⁷ In Jammu and Kashmir, where 20,000 arrests were made since TADA's inception, not a single accused has been convicted to this day.⁷⁸

This failure of the security forces in Punjab to bring militants to book, in spite of TADA and other draconian legislation, seemed clearly to be a result of their obsession with extra-judicial activities to the negation of arduous and lustreless tasks of regular police work.

PART THREE: PUNJAB POLICE— DEVELOPMENT AND REORGANIZATION

Origins of the Punjab Police

Violent crime is not new to Punjab. The minutes of British officials who served in the state are full of references to their difficulties in handling the problem by the book. But they rose to the challenge.

Sleeman and his team succeeded in eradicating the menace of *thuggee* under Governor-General William Bentinck between 1822 and 1840. It was a slow, laborious and dangerous work. Instead of easily eliminating thugs without legal ceremony, Sleeman and his team opted for the arduous way, compiling lists of the members of each gang, building up accounts of the incidents, procuring witnesses, and collating evidence that would stand judicial scrutiny against discrepancy. Their work bore fruit. Between 1831 and 1837 more than 3,000 thugs were convicted. Hundreds of them were hanged and thousands transported for life.⁷⁹

Sleeman's successful example was followed up by his successor Charles Harvey who took on the challenge of organized bands of dacoits and robbers in Punjab. Once again, the Department of Thuggee and Dakaaiti undertook laborious and systematic research in respect to every suspect and prepared individual files containing every piece of information right up to the date of his capture and final committal

⁷⁶ SAHRDC, Human Rights Features, "Defending the Indefensible: India does the POTA Act" – <http://www.hrdc.net/sahrdc/hrfchr58/Issue3.htm>

⁷⁷ Sitaram Yechuri, "Neither with Terrorists nor with POTO" *People's Democracy*, Vol. XXV, No. 48, 02 December 2001 http://www.pd.cpim.org/2001/dec02/2002_dec02_poto_sry.htm

⁷⁸ *The Milli Gazette*, 3 December 2002, http://www.milligazette.com?Archives/01-5-2002/jk_tada_cases.htm.

⁷⁹ Philip Woodruff, *The Men who Ruled India*, Vol. I. pp. 263-4. Jonathan Cape, London, 1954

for trial.⁸⁰ The experiences and the work of the department led to the 1879 formation of the special branch, with its headquarters at Shimla in Punjab, to collect secret and political intelligence. All the modern intelligence organizations in India and even in Britain have their roots in the work pioneered by this department. John Paul Warburton, model for writer Rudyard Kipling's police character 'Strickland' and known as India's greatest detective, was the superintendent of police in Ludhiana in 1872.⁸¹

The Punjab police, from the beginning of its organization under Henry Lawrence in 1849 following the annexation of the Khalsa kingdom, had been a model of a disciplined force that achieved extraordinary results in "suppressing violent crime" and in bringing the "ring-leaders of all gangs of robbers and murderers" to justice through meticulous research and an elaborate witness protection program. The reforms in the organization of the Punjab police, with the appointment of a lieutenant of police at every district under the district magistrate and an inspector-general for the whole province in 1860, was the model that the police commission of 1860 followed in reorganizing the police force throughout India.⁸²

The Punjab Police Administration Report, published in 1894, shows how good leadership under Turtton Smith, the first inspector-general of police (IGP), achieved remarkable results in dealing with "dacoity and natural calamities" in "an exceptionally difficult period as a result of famine, plague and frontier war". Punjab at that time had a population of about 24 million people and an area of about 100,000 sq. miles, divided into 29 police districts with a force of 700 men under a DSP in each district. The total police force in Punjab was 21,000 officers and men.⁸³

Commissioner of Amritsar division, E. A. Prinsep, created a system of maintaining surveillance register of "bad characters" in 1861. Another district officer posted at Jalandhar gave an elaborate description of the police campaign against crime, based on careful selection of station house officers (SHO), cultivation of reliable informers, and persuasion of villagers to testify. Gerald Savage worked with the "special cell" to deal with organized crime: "This meant living in rest houses and never really gaining civilization for months on end."⁸⁴

The establishment of the Police Training School at Phillaur in Punjab in 1893, for the education of inspectors and sub-inspectors, was the first serious attempt to address the challenge of corruption and ignorance in the lower ranks of the police force in the country. The school was a model of police education and training in modern methods of crime investigation and prevention. This was the first police school in the world to apply the theory of "*modus operandi*", developed by Major Atcherley, to solve crimes by paying close attention to "individual methods" of criminals, by "classifying, indexing and recording...immense number of facts

⁸⁰ Charles Hervey, *Some Records of Crime*, p. 385, quoted in Percival Griffiths, *The History of the Indian Police*, Ernest Benn, London and Allied Publishers, Bombay, 1971, pp. 135-6.

⁸¹ Percival Griffiths, *The History of the Indian Police*, Ernest Benn, London and Allied Publishers, Bombay, 1971, pp. 136, 405.

⁸² A. Kumar, "Punjab police through the Ages", *Punjab Police Journal*, Centenary number, p. 75; N. A. Razvi, *Our Police Heritage*, p. 66-7, quoted in Percival Griffiths, *Op. Cit.* pp. 76-7.

⁸³ Punjab Police Administration Report, 1894, p. 178 and G. H. R. Hakland, *Punjab Patrol: Some Memories of an Indian Police Officer*, pp. 23-6, quoted in Percival Griffiths, *Op. Cit.* pp. 188-190.

⁸⁴ IOL:R, London, Mss. Eur. D. 1065/1, F. 180/70, R. 161.

concerning individual criminals” that enabled investigating officers to read personal idiosyncrasies of “perpetrators of crimes”. The investigators were taught to catch perpetrators by studying the “records” and eliminating non-suspects. All officers were taught to develop crime maps, to prepare separate maps for each crime and then to compile amalgamated charts showing localities that displayed a “particular *modus operandi*”. All these techniques were improvements on the methods developed by Sleeman and his team.⁸⁵ All new assistant superintendents of police, inspectors and sub-inspectors were required to master the criminal law, the Punjab police rules and a number of special and local laws. The school also housed a provincial finger print bureau. The path-breaking research on the ridge patterns of fingers and their uniqueness had been developed by William Herschel, a sub-divisional civil service officer in Murshidabad district of Bengal in 1853 and had been improved on by Francis Galton, a scientist in England. The system of digital classification of fingerprints and of communicating the classifications through a telegraphic code were perfected by the team of sub-inspectors Aziz ul-Haque and Hem Chandra Bose under the guidance of Edward Richard Henry, IGP in Lower Bengal in the period from 1891 to 1899. In that year, the Indian Evidence Act was amended to include the evidence of fingerprints into the criminal trial system.⁸⁶ The Police Training School at Phillaur took the lead in the world in imparting the education of the system to police officials involved in criminal investigations. All probationers at the school had to take a course in the science of finger prints, learn how to make casts of footprints and also pass an examination in medical jurisprudence. Another Punjab police officer F. H. Du Heaume pioneered researches in ballistic science and developed the system to study striations caused on bullets by specific firearms. The research had the same consequence for the identification of a firearm used in a crime as the fingerprint established the identification of the person who pulled the trigger. The Punjab police officials, trained in Phillaur, later discovered the use of ultra-violet radiation and fluorescence to capture finger prints from sticky surfaces.⁸⁷

Savage Transformations: Allegations of Undercover Operations

It is unfortunate that a police force brought up in this tradition of training, organization and discipline should have been transformed into a savage body of lawless personnel who would emulate the aptitude for drama of their leaders like K. P. S. Gill and give short shrift to the basic principles of investigation, certainty of facts and cooperation with the local community. As the result, Punjab in the beginning of the insurgency became a stage for the vainglorious bravado and adventurous experiments of its senior police officials. In the end, while British officers in the Victorian times could prosecute and try, their corrupted offspring reared by men like Gill could only catch and kill.

⁸⁵ W. A. Gayer, *The Detection of Burglary in India*, pp. 315-7; quoted in Percival Griffiths, *Op. Cit.*, pp.313-4.

⁸⁶ Percival Griffiths, *Op. Cit.*, pp. 334-6.

⁸⁷ *Ibid*, pp. 337-9.

The Punjab police officials are also reported to have carried out clandestine operations, including orchestration of sensational terrorist crimes, to manipulate public opinion in favour of repressive measures at home and to undermine international attention on reports of human rights abuses in Punjab.

A Canadian newspaper, the *Globe and Mail*, carried an investigative report claiming that Indian government agents were responsible for the bombing of an Air India jet in June 1985 that killed 329 people aboard. The objective of the bombing, according to the report, was to discredit the separatist movement in Punjab as a terrorist movement, and to destroy the basis of sympathy for its protagonists in the western countries. The writer of this investigative report later collaborated with another journalist to publish a book that claimed to unravel the intelligence operations of the Indian government leading to the bombing of the plane.⁸⁸

Another exclusive report carried by *The Observer* of London in its 24 April 1988 issue claimed that India's external intelligence outfit, the Research and Analysis Wing (RAW), was involved in smuggling arms, including rocket-launchers, from Afghanistan with a view to stage-manage terrorist incidents in Punjab.

According to the story by Dhiren Bhagat, who also wrote for the *Indian Post* published from Bombay, customs officials at the airport in New Delhi were startled on 19 November 1987 when some bullets rolled out of a hamper that had arrived on an Indian Airlines flight from Kabul. It belonged to a large consignment of 23 boxes, isolated and X-rayed under the supervision of a deputy commissioner of police, specially called to take part in the investigation. The boxes, addressed to the "director general of communications" at New Delhi, contained sophisticated arms, including rocket launchers and their ammunition.

The airport officials, convinced that they had discovered a big cache of contraband weapons, were in the process of making an inventory of the contents, when a man in civilian clothes turned up to identify himself as an operative of the RAW. He claimed the consignment as the government's property and went away with all the boxes.

Dhiren Bhagat found out that there was no post of "director general" in the Indian ministry of communications. Bhagat contacted the cabinet secretary to the Government of India, formally in charge of the RAW, for an explanation. But the civil servant did not know anything about it. Sometime later, a Delhi newspaper carried a story claiming that the militants in Punjab were now armed with rocket launchers. According to Dhiren Bhagat, the story had been planted by the intelligence organization.

On 21 March 1988, the Indian media sensationally reported the first militant attack against a paramilitary camp in Punjab in which rocket-launchers had been used. No one had been killed in the incident which, however, received sensational publicity. The press coverage helped the government rush through a constitutional amendment in the Parliament, permitting the imposition of a state of emergency in Punjab and selective abrogation of the rights to life and liberty of its people. Dhiren Bhagat's story suggested that the rockets had been fired by the

⁸⁸ *India-West*, 29 November 1985, Indian Agents Implicated in Air-India Crash; Zuhair Kashmeri and Brian McAndrew, *Soft Target*, James Lorimer & Company, ISBN 1-55028-221-2.

government-sponsored *agents provocateurs* with the intention to whip up anti-Sikh hysteria in the country.⁸⁹

Others involved in the Punjab scene made equally disturbing allegations against the high officials in the government. One prominent person to make such an allegation was Acharya Sushil Muni, a Jain monk, who had been holding talks with the Sikh religious leaders and militant organizations for a solution to the Punjab problem. Sushil Muni gave an interview to the fortnightly magazine *India Today* about his peace mission, which he claimed had the personal backing of Rajiv Gandhi. The interview was published on 30 April 1988. Sushil Muni claimed that he had succeeded in persuading the militants to sign an accord of peace and to lay down arms following an official declaration of amnesty. But the government backed out of the commitment. Sushil Muni alleged that those within the establishment “who stand to gain by keeping Punjab on the brink of terrorism” scuttled the peace process.

He also accused the “vested interests” of arranging the murder of T. S. Rivasati, a former minister who had been helping him in building a rapport with the discontented groups. He posed the question: “Who could be responsible for acts of violence when the major extremist organizations were all condemning them?” Sushil Muni added: “You must notice that during the earlier terrorist killings there was no TV coverage. But look how quickly the TV crews now reach the scene of a massacre and telecast them in detail all over India.” Darshan Singh Ragi, then the religious head of the Sikh community, also made similar allegations.⁹⁰

More startling revelations came from Sampat Singh, home minister of Haryana, the only state in northern India ruled by a non-Congress party since December 1987. Speaking to the Press on 25 April 1989, the home minister claimed evidence showing that the Union home minister and the agricultural minister patronized some groups of killers in Punjab. He promised to furnish complete evidence if the Prime Minister cared to institute an inquiry. Rajinder Puri, a well-known columnist, made similar allegations and also suggesting that the Indian intelligence organizations were themselves patronizing rabid elements to discredit the Sikh movement.⁹¹

Police Vigilante Outfits

My own research on Punjab in that period suggested that the state agencies were creating vigilante outfits in order to infiltrate the Sikh radical movement and generate a climate of moral revulsion by engineering heinous crimes which they then attributed to armed Sikh groups. I had a discussion on the subject with Bhan Singh, the secretary of the Shiromani Gurudwara Prabandhak Committee (SGPC) who had managed the affairs of that once powerful Sikh religious organization for over a decade. Bhan Singh himself was killed, reportedly by separatist militants on 25 July 1988, a week after I recorded my interview with him.

Following the Army action against the Golden Temple in June 1984, Bhan Singh

⁸⁹ *The Observer*, Sunday 24 April 1988, Rajiv's spies smuggle arms, by Dhiren Bhagat, p. 25.

⁹⁰ *India Abroad*, 6 May 1988, Meeting on Punjab Solves Nothing, by Tarun Basu; *Indian Express*, Bombay, 28 January 1988, Killings part of conspiracy: Ragi.

⁹¹ *The Sunday Observer*, 16 November 1986, The enemy within, by Rajinder Puri.

had worked to organize legal support for people arrested from the temple complex and held in a Rajasthan jail without trial. Bhan Singh had his office inside the Golden Temple complex and was able to closely observe the developments inside the shrine. He believed that just as Bhindranwale, in his initial days, had been encouraged by the Congress party, so also the Congress government in Delhi was condoning the new breed of militants entrenched inside the Golden Temple with a view to weakening the Akali Dal's political base. He argued that the security around the Golden Temple was so tight that no one could possibly smuggle in weapons without official complicity. I asked him if in his opinion all the Sikh groups advocating armed struggle were officially sponsored. Bhan Singh said:

"Genuine militants are not entrenched within the Golden Temple. They don't lurk behind its sanctity to save their skins temporarily while inviting its repeated desecration by the security forces. They fight their battles out in the open."

Asked if the government agencies were responsible for all the heinous crimes attributed to the separatist militants, Bhan Singh said there must be just as many anti-social elements involved in crime as there had been before the start of the political crisis. There was enough evidence to show that the people who committed crimes attributed to militant separatists were putting on the Sikh attire including the turban, to give the Sikhs a bad image.⁹² And the government was manipulating the media to attribute all crimes to separatist militants. This generated a public reaction, helpful in denying justice to the Sikhs.

Kripal Singh, a member of Parliament from Amritsar for many terms and the president of the Chief Khalsa Dewan,⁹³ corroborated these views. Kripal Singh told me that the government agencies had been creating many armed vigilante groups out of anti-social riff-raff, so as to infiltrate and neutralize genuine militant outfits. The outrages they committed were routinely blamed on the separatist groups.

Gurdayal Singh, who had retired as the IGP, Punjab in April 1966, provided the clinching evidence. He was Lahore's superintendent of police before India's Partition in 1947. As the deputy inspector-general (DIG)(intelligence) from 1952 to 1956 he had closely followed the movement for the creation of a Punjabi speaking state. One of his main tasks was to neutralize the Communist insurgency led by Teja Singh Swatantra in parts of Punjab, between 1950 and 1960.

Since he had a reputation as an officer who had successfully handled many explosive situations, the rulers of Punjab consulted him on how to deal with the separatist violence. Governor of Punjab Sidhartha Shankar Ray and his police chief Julio Ribeiro deliberated with him on their plans to create armed groups that would take on the militant menace without involving the state apparatus directly. Gurdayal Singh advised them not to pursue these plans. In his opinion, the unscrupulous elements would take advantage of official patronage to pursue their own criminal ends.⁹⁴

Apparently, Ray and Ribeiro went ahead with their undercover operations,

⁹² In one incident of bank robbery, the criminals forgot to take along turbans they had used in a stolen taxi, which they had to abandon. *The Tribune*, November 11, 1983, Stolen taxi used in dacoity.

⁹³ Chief Khalsa Dewan is a prestigious Sikh cultural organization from the days of Sikh renaissance in early 20th century.

⁹⁴ Ram Narayan Kumar & Georg Sieberer, *ibid*, pp. 277-282.

using informers and infiltrators from the underworld. Ribeiro concedes this in his book *Bullet for Bullet*, which he authored after his retirement.⁹⁵ Ribeiro himself is known to have publicly first propounded the policy of “bullet for bullet”, as reported in the *Hindustan Times* dated 11 April 1986. Ribeiro later claimed that Arun Nehru, then Union minister of state for internal security, had planted the story attributing the statement of policy to him. Be that as it may, the dismissal of Surjit Singh Barnala’s government in October 1987 was preceded by a significant public exchange in which the Akali ministers accused Ribeiro of upholding an extra-judicial approach in handling the separatist militancy. Ribeiro accused them of offering support to the Sikh militants.⁹⁶

In his book, Ribeiro writes about the undercover operations with an extraordinary candor: “In Punjab there were some persons with criminal propensities, who were known to police officers at various levels. They were approached and a few of them agreed to form groups which would move in the guise of terrorists and confront the real militants in their dens... The police did give them financial and logistical support, but their demands grew to an extent where it was impossible to satisfy them within our resources. Besides, they were very greedy people, with a criminal tendency, who began to prey on law-abiding, rich citizens on the assumption that the police were indebted to them and so would do nothing to stop them.”⁹⁷

One such man, recommended to Ribeiro by Gur Iqbal Singh Bhullar, a senior police officer, was a smuggler who had once been a police constable. He was reinstated and located in Patiala to search out and neutralize dreaded militants, with the permission to use force. Once he drove into Ribeiro’s official residence in Chandigarh to escape a police chase after he shot down two supposed militants whom he had located at a bus stand on a main road in the city. Ribeiro later found out that this operative, along with the policemen who constituted his squad, had been committing robberies, not only in Punjab but also in the neighboring states. Ribeiro wanted to weed him out of the counter-insurgency setup. But before he could do anything, the operative was reportedly killed after he shot Patiala’s senior superintendent of police (SSP) and his subordinate in their own office.⁹⁸

In his book, Ribeiro mentions several other undercover operations, planned by Amritsar’s SSP Izhar Alam and other senior officers of the Punjab police. The book also narrates how K.P.S Gill, then IG Central Reserve Police Force (CRPF), thwarted Ribeiro’s attempts to discipline the policemen who committed atrocities, by persuading the Union home ministry not to sanction their prosecution.⁹⁹ The book also narrates how Gill replaced Ribeiro as Punjab’s police chief by persuading the government that a harder line of action was required to put down the terrorists.¹⁰⁰

⁹⁵ Julio Ribeiro, *Bullet for Bullet: My Life as a Police Officer*, Penguin Books, ND, 1998.

⁹⁶ The Tribune, 1 April 1986, “Barnala on the right track”; 21 July 1986, “The hardcore identified”; 30 July 1986, “PM for free hand to police: Help promised to Barnala”; 18 August 1986, “Police given six months to finish terrorist: Police wants more powers”; 12 February 1987, “BSF pins hopes on operation bird”; 5 October 1986, “Dal[B] leaders praise assailants of PM, Ribeiro”.

⁹⁷ *Ibid*, p. 349.

⁹⁸ *Ibid*, pp. 350-352.

⁹⁹ *Ibid*, p. 310.

¹⁰⁰ *Ibid*, p. 329.

Gurdev Singh Kaunke

An example of the mindless monstrosity, which K. P. S. Gill's hard-line eventually became, follows:

In May 1998, the Committee for Coordination on Disappearances in Punjab (CCDP) investigated the enforced disappearance of Gurdev Singh Kaunke, former acting head priest of the Akal Takht, following his 25 December 1992 arrest from his home in Kaunke village under Jagraon subdivision of Ludhiana district. The police authorities later claimed that Gurdev Singh Kaunke escaped from their custody on 2 January 1993. The claim was widely condemned as false. Prakash Singh Badal, then leader of the Akali Dal who became the chief minister of Punjab in early 1997, publicly accused the Congress government of the state of masterminding Kaunke's abduction and disappearance, and demanded a high powered judicial inquiry. Badal was arrested while attempting to visit the bereaved family of Gurdev Singh Kaunke at their village on 5 January 1992.

The CCDP was able to acquire conclusive evidence to show that Gurdev Singh was inhumanly tortured first at the Sadar police station of Jagraon and then at the Criminal Investigation Agency (CIA) interrogation center from 25 December 1992 to 1 January 1993. The Committee also acquired irrefutable evidence to establish that the former head priest was killed under torture.¹⁰¹

On 5 June 1998, a delegation of the committee members met chief minister Prakash Singh Badal to acquaint him with its findings and to demand the registration of a case, an independent official investigation and prosecution of the culprits. The delegation included former Supreme Court judge Kuldeep Singh. The chief minister directed an official inquiry to be conducted by B. P. Tiwari, additional director-general of police, Punjab.¹⁰²

Police Quotas for Murders: Interview with an SSP

In the course of investigating the case of Gurdev Singh Kaunke, three committee members were able to secretly tape record their conversation with a senior superintendent of police, which disclosed how Gurdev Singh was actually killed under torture. The interview also revealed the banal world of torture and murder that, in the name of counter-insurgency, had become a routine for a set of police officers to obtain good, powerful positions. We are not releasing the full transcript of the discussion out of respect for an honest officer who risked his career in telling us the truth. The SSP told us the following about what used to happen in the days before the SSP's periodic meetings with DGP K.P.S. Gill: "You can check that up! Before such a meeting with Gill, 300 to 400 Sikhs used to die in Punjab. Every SSP had to report: I have killed 14. The other who said I have killed 28 was appreciated more. The third SSP who had to outsmart the first two had to report 31. The night before

¹⁰¹ *The Financial Express*, Chandigarh, 20 May 1998, "Kaunke was tortured to death by police" – <http://www.financialexpress.com/ie/daily/19980520/14051484.html>

¹⁰² The Committee for Coordination on Disappearances in Punjab, A Memorandum to the Chief Minister of Punjab, 5 June 1998 – http://www.geocities.com/Athens/Foorum/2088/r_memo04.htm

the meeting with Gill, the Sikhs used to die so that the SSPs could vie with each other in showing their anti-terrorist achievements.”

The B. P. Tiwari Inquiry Committee submitted its report to the government in the first week of May 1999. But the government chose to withhold the report from the public and took no action on its recommendations. In April 2002, Simranjit Singh Mann moved the High Court of Punjab and Haryana for directions to the state of Punjab to make the report public. The high court issued notice, and the state government demanded two months’ time to examine the report. In the end, the state government declined to produce the report and the high court ordered another investigation, which is still pending.¹⁰³

These pending inquiries belong to the Kafkaesque bureaucracy of denial, diversion and cover-up, and seem to be stock-in-trade of the politics of impunity in India. Upendra Baxi’s following words sum up the reality: “Management of organized political violence requires multifarious use of the ‘law’ as a sustained device of cover-up strategies and operations. What actually happened ought never to be allowed to achieve juridical verification. Judicial commissions of enquiry must be so constituted as to serve as weapons of political warfare; if at all these establish *prima facie* facts of political violence, they must do so in ways that make rights, redress and rehabilitation almost impossible... Investigative agencies should not have autonomous status that allows them to establish the truth of what happened. If appellate courts, especially the Supreme Court, were to investigate matters in ways profoundly subversive of the operative violent multi-party consensus, all efforts must be made to render futile these occasional adjudicative leadership feats. Politically patronized leaders of the Bar, including Advocate Generals, the Solicitor General, and even the Attorney General of India, should be effectively mobilized to subserve truth-monopolization.”¹⁰⁴

PART FOUR: PEOPLE’S COMMISSION AND NHRC

The People’s Commission and the Clamour for its Ban

On 26 April 1998, the Committee for Coordination on Disappearances in Punjab (CCDP) announced the formation of a panel of three judges to constitute a people’s commission on human rights violations in Punjab when it became sufficiently clear that the Akali Dal’s government in the state had no intention of keeping its electoral pledge to constitute a truth commission. The people’s commission was headed by D. S. Tewatia, former Chief Justice of the Calcutta High Court, with H. Suresh and Jaspal Singh, retired judges of Bombay and Delhi High Courts, as the other members. The following terms of reference set the framework for the commission’s investigations:

¹⁰³ *The Tribune*, 5 August 2002, “Home Secretary pulled up in Kaunke Case”.

¹⁰⁴ Upendra Baxi, *Seminar*, 513, May 2002, “Society Under Siege, Notes on Holocaustian Politics,” — <http://www.india-seminar.com/2002/513/513%20upendra%20baxi.htm>

The commission would examine the complaints of illegal abductions, custodial torture, enforced disappearances, summary executions and illegal cremations, and to give its findings on: (a) whether from 1979 to 1997 the agencies of the state carried out or tolerated — directly or indirectly — any of the above mentioned atrocities and thereby committed any violations of human rights as guaranteed under the Constitution of India and various international covenants and declarations; (b) Whether the state agencies/ individuals have prima facie committed any offense under the law of the land or international law; (c) The commission would further suggest remedies available to the victims of the aforementioned atrocities including their entitlement to compensation from the state and its agencies.

The security forces in Punjab were equipped with extraordinary powers to meet the law and order situation, in particular arising out of the alleged militant activities. Draconian powers were given to the investigating agencies to prosecute the individuals and the groups suspected to be engaged in violence. The commission would go into the causes and the reasons for the utter failure of the state and its agencies in the performance of their duties as required under the rule of law.

The CCDP received a total of 524 complaints, but only 422 were found to be complete and admissible by the commission's terms of reference. These 422 petitions showed 573 complaints of human rights violations. Their break-down by the nature of complaints is:

Enforced Disappearances	230
Arbitrary Executions	188
Torture in police custody	102
Illegal detention by the police	48
Killings by militants	4
Injuries inflicted by militants	1

Two complaints of torture showed that their victims died shortly after their release from the illegal police custody. One complaint said that the victim committed suicide soon after his release.

Eight complaints of illegal detention showed that the police officials demanded ransom of amounts ranging from Rs. 12,000 to Rs. 1,60,000 from the family members of the victims. All the victims were released after their relatives paid the ransom.

Eight complaints of enforced disappearances and arbitrary executions showed that the police officials demanded ransom of amounts ranging from Rs. 30,000 to Rs. 1,000,000. Relatives of four illegally detained persons paid amounts varying from Rs. 30,000 to Rs. 362,000. The police killed the detainees nevertheless. In four other cases, relatives were unable to raise the money

and the detainees were killed.

The people's commission held its first public hearing at Chandigarh from August 8 to 10, 1998. Thousands of people from all over Punjab gathered before the commission to witness the proceedings. The administration had done everything to frustrate the sitting. The guest house that had initially been selected as a venue and had been booked, cancelled the reservation at the last moment. Other large buildings too refused to lend their spaces on the ground that "higher authorities had to decide the matter." Finally, the commission had to sit in a gurudwara. In spite of the venue change, victims from all over Punjab thronged to file their complaints before the people's commission.

The successful sitting of the people's commission generated hysterical reactions and several political parties, including the BJP, the Congress and the Communist Party of India, as also other individuals connected with the Establishment, demanded its ban. The chief of the Punjab police himself said that to let "this illegal panel function will vitiate the atmosphere and affect police morale". The chief secretary of the state government said: "Police officers cannot be exposed to a private commission that has no legal sanction or *locus standi*." Soon, a local lawyer, Sudershan Goel, and several others filed petitions before the Punjab and Haryana High Court seeking a ban on the commission's proceedings. The petitions had clearly been filed with the blessings of the police and the political establishment.¹⁰⁵

Political and Legal Arguments For and Against the Ban

The propaganda against the people's commission projected those responsible for unspeakable violations of human rights as warriors, soldiers of a war for the preservation of India's unity. It also denigrated the human rights organisations as allies of India's enemies.¹⁰⁶

The absurdity of the petition to ban the people's commission was epitomized by the fact that it invoked Article 226 of the Constitution. This article gives the high courts wide powers to reach injustice wherever it is found, especially for the enforcement of fundamental rights. Before invoking Article 226 for any writ, it is necessary to show the real or imminent infringement of a vested right. Although the petitioner claimed to "represent the sentiments of millions of citizens of India", he had not shown how the people's commission was infringing a right vested either in himself or in any other group of people he represented. In that event, no writ can

¹⁰⁵ *India Today*, 21 September 98, Punjab: Invoking the Past, by Ramesh Vinayak - <http://www.india-today.com/itoday/21091998/punjab.html>; *The Indian Express*, 8 September 1998, BJP scuttled People's Commission; *The Tribune*, 30 September 1998, Pleas on People's Commission allowed; *Congressional Record*, Dan Burton in the House of Representatives, September 15, 1998 - Punjab People's Commission must be preserved, http://www.fas.org/irp/congress/1998_cr/s980915-punjab.htm

Civil Writ Petition No. 14133 of 1998 - *Sudershan Goel Vs. The Union of India and others*

Civil Writ Petition No. 16608 of 1998 - *Jatinder Pannu Vs. Union of India and others*

Civil Writ Petition No. 17121 of 1998 - *Mohan Singh and others Vs. Union of India and others*

¹⁰⁶ *The Tribune*, September 27, 1998, "Terrorism will be next millennium's problem".

issue. This is the law under a plethora of rulings. But the high court still admitted the petition.¹⁰⁷

The aims and objectives of the people's commission derived legitimacy from the constitutional guarantees that are sacrosanct and can only be curtailed under the law, on the establishment that their exercise aimed at undermining the security of the state or overthrowing it. These conditions are enumerated in Article 19(2) of the Constitution and are matters of assessment by authorities who are, under the law, designated with the powers to do so. Intervention of social activists and their organizations in matters involving the rights to life and liberty are judicially recognized principles. This recognition of their role synchronizes with the governmental obligation to respect and facilitate their right to information, association and the freedom of speech.¹⁰⁸

In a judgment evoking the freedom of expression, the Supreme Court has ruled that "the freedom of expression means the right to express one's opinion by words of mouth, writing, printing, picture or in any other manner. It would thus include the freedom of communication and the right to propagate or publish opinion." Quoting Walter Lippmann, the judgment further says: "When men act on the principle of intelligence, they go out to find the facts... When they ignore it, they go inside themselves and find out what is there. They elaborate their prejudice instead of increasing their knowledge." Again, "the state cannot prevent open discussion and open expression, however hateful to its policies." The judgment further explained that: "...freedom of expression cannot be suppressed on account of threat of demonstration and processions or threats of violence. That would tantamount to negation of the rule of law and surrender to blackmail and intimidation. It is the duty of the state to protect the freedom of expression since it is a liberty guaranteed against the state. The state cannot plead its inability to handle the hostile audience problem. It is its obligatory duty to prevent it and protect the freedom of expression."¹⁰⁹

In another judgment, the court has declared: "It is our firm belief, nay, a conviction which constitutes one of the basic values of a free society to which we are wedded under our Constitution, that there must be freedom not only for the thought that we cherish, but also for the thought that we hate."¹¹⁰

The Supreme Court and the high courts of several provinces in India have also recognized the right of social organizations and individuals to intervene in matters involving life and liberty of citizens. These judgments said that such activists and

¹⁰⁷ *Rex Vs. Electricity Commissioners*, 1924-1 KB 171, *Rex vs. London County Council*, 1931-2 KB 215, *Province of Bombay v. Khushaldas S. Advani*, 1950 SCR 621: AIR 1950 SC 222, *Radeshyam Khare Vs. The State of Madhya Pradesh* (AIR 1959 Supreme Court 107 (V 46 19) (page 116), *Dwarka Nath Vs. Income tax Officer*, AIR 1966 Supreme Court 81 (V 53 C 22), AIR 1950 SC 222, *T. C. Basappa v. Nagappa*, 1955-1 SCR 250: AIR 1954 SC 440; *Irani vs. State of Madras*, 1962(2) SCR 169: AIR 1961 SC 1731) and *Dwarka Nath Vs. Income tax Officer* AIR 1966 Supreme Court 81 (V 53 C 22), *Shri Anadi Mukta Sadguru Shree Muktajee Vandasjiwami Suvama Jayanti Mahotsav Smarak Trust Vs. V. R. Rudani* (AIR 1989 Supreme Court 1607), *Executive Committee of Vaish Degree College, Shami Vs. Lakshmi Narain* (1976) 2 SCR 1006: AIR 1976 SC 888) and *Deepak Kumar Biswas Vs. Director of Public Instruction* (1987 2 Scc 252).

¹⁰⁸ *Romesh Thappar Vs. State of Madras*, 1950 SCR 594: AIR 1950 SC 124: 51 Cri. LJ 1514, para 10.

¹⁰⁹ *Rangarajan Vs. P. Jagjivan Ram* 1989 (2) SCC 574.

¹¹⁰ *Naraindas Indurkha vs. State of Madhya Pradesh* – (1974 4 SCC 788: 1974 SCC (Cri) 816, para 23: (1974) 3 SCR 650

organizations were entitled to collect information and to call for the protection of the state in doing so.¹¹¹

India has a long tradition of people's commissions and citizens tribunals that have investigated and reported on human rights violations by state forces and generally influenced perspectives on governance, socio-political and economic justice. The tradition was firmly established by M. K. Gandhi in 1919 when the British government used brutal methods in Punjab to put down a virulent agitation against the curtailment of civil liberties under the Rowlatt Act. The agitation itself is recognized as major landmark in the history of India's freedom struggle. Under Gandhi's instructions, the Indian National Congress had set up a commission to investigate repression in Punjab although the Hunter Commission, an official body, was already going into the matter. Mahatma Gandhi himself worked with Motilal Nehru and C.R. Das to produce a report that differed with the findings of the Hunter Commission on many substantial issues.

The Motilal Nehru Committee, which later contributed so significantly to the writing of the Constitution, was the Congress alternative to the Simon Commission's constitutional proposals. Jawaharlal Nehru's Planning Committee, the precursor to the Planning Commission of the later day, was a direct challenge to the Royal Commission on Labour in India, known as the "Whitley Commission" that had been set up in 1929. The Sapru Committee's Report of 1945, which later contributed significantly to chapter III of the Constitution, was also a private initiative. The Sapru Committee had been appointed by an "all parties conference" in 1944, when the second world war had not yet ended, Japan having surrendered only in August 1945. The Indian National Army (INA), revolutionaries in exile organized by Subhas Chandra Bose, was still marching with the declared objective of capturing the Red Fort. Yet nobody talked about banning the committee.

More recently, there have been numerous non-official inquiries into serious allegations of human rights violations and official acquiescence into orchestrated violence against minority communities and other under-privileged groups of people in various parts of India. Orchestrated pogroms and communal riots in Delhi, Meerut, Aligarh, Karnataka, Ayodhya, and Maharashtra have been investigated by peoples' commissions. Justice H. Suresh (retired), a member of the peoples' commission in Punjab, himself belonged to a peoples' tribunal that investigated the Bombay riots of December 1992 and January 1993, while the official commission called the Shri Krishna Commission was already conducting its proceedings. The peoples' tribunal submitted its report within six months of its constitution whereas the official Shri Krishna report took six years to make public exactly the same findings. The Indian People's Tribunal on Environment and Human Rights (IPT), which authorized the unofficial investigation, was established in 1993 as a permanent body to counter governmental apathy and judicial red-tape by initiating campaigns and public interest litigation on the strength of such inquiries into human rights and environmental issues. The Indian Peoples' Tribunal has so far undertaken 11 such investigations and is affiliated with numerous other fact-finding commissions. And yet, in the case of the people's commission in Punjab, there was this petition that prayed

¹¹¹ *Bandhua Mukti Morcha* (1984) (3) SCC 161, *Sheela Barse vs. Union of India* – AIR 1988 Supreme Court 2211

for a writ under Article 226 to ban the first genuine initiative to investigate the reports of human rights violations in the state.¹¹²

There was no compulsion on any groups of people or individuals who did not like the peoples' commission to recognize it or to participate in its work. No agency of the state could claim the right or the duty to ensure that any individual or collection of individuals did not question or talk about or reach their own conclusions about any matter of public importance. Under what law could victims of police repression be prevented from expressing themselves to the peoples' commission if they wished to do so? Under what law could the peoples' commission be prevented from seeking responses from policemen on complaints of human rights violations that are publicly made? The officials were free to ignore or entertain the queries. It was open to the peoples' commission to reach its conclusions without their participation.

The final legal arguments on the matter from both sides concluded on 11 March 1999. The CCDP, having adjourned the proceedings of the people's commission in deference to the petition before the high court, asked for an early judgment. But the high court kept the matter dangling and pronounced its order on 20 December 1999. The order restrained the commission from holding public sittings, from making investigations into the cases which have already been decided by the courts, and from issuing notices to the officers of the government to appear and cooperate with its investigations. The judgment said that "instead of setting up the people's commission" the CCDP "should have limited itself to the collection of information of alleged human rights violations" to be presented "before the state for a detailed enquiry". If necessary, the CCDP "should have taken assistance of the court". The high court had come to the conclusion that the working of the people's commission "may adversely affect the public order, discipline and the society and encourage the setting up of similar commissions by other individuals or groups of individuals and thereby undermine the public peace, safety and tranquility of society." The high court came to this conclusion in spite of the fact that the Punjab government's written statement before the court said that the people's commission "had not created any law and order problem and also had not infringed any law to call for interference by the state in the affairs of this private body."¹¹³

The high court also cast aspersions on the propriety of the members of the people's commission, who themselves had retired as the judges of various Indian high courts. The judgment exhorted them to decide "whether after having taken oath to maintain and preserve the Constitution and its institutions it will be appropriate for them to associate themselves with the activities which undermine the authority of the state established by law."¹¹⁴ A leader in the *Tribune* commented: "The December 20 verdict has given them their just deserts." Protagonists of impunity hailed the judgment as "a resounding blow for the sanctity of judicial and state processes." The *Tribune*

¹¹² Civil Writ Petition 14133 of 1998, *Sudershan Goel Vs. The Union of India and others*, Affidavit on behalf of the Committee for Coordination on Disappearances in Punjab (CCDP) through its convenor Ram Narayan Kumar, para 5.

¹¹³ *Sudarshan Goel Vs. the Union of India and others*, written statement filed by Shri Ranbir Singh, under secretary, Home, Punjab.

¹¹⁴ Civil Writ Petition No. 14133 of 1998, *Sudershan Goel Vs. the Union of India and others*, Amar Dutt, Judge for the Division Bench, Judgment pronounced on Monday, 20 December 1999.

said: “Accepting as they did the CCDP’s private invitation to sit publicly as a “judicial” body despite their retirement, “summoning” police officers, conducting “enquiries” and holding “trials” – former judges, like rebels, holding kangaroo courts – all the three lay themselves open to the charge of grave impropriety, if not outright contempt of court.” The article pointed out: “The verdict significantly rejects the CCDP’s claim that the establishment and work of the people’s commission derives legitimacy from the freedom of speech and expression guaranteed in Article 19(1) (a) of the Constitution.” The writer of this article, who had earlier proclaimed that “the people’s commission is an affront to justice, if not a travesty of it,” felt vindicated.¹¹⁵

Origins of the NHRC

When the petitioners first moved the high court for a ban, *India Today* wrote to say that the police top brass had developed a strategy to scuttle the CCDP’s investigative work through litigation, counter-propaganda and undermining of credibility.¹¹⁶ The success of the strategy was reflected by the developments in the matter of police abductions leading to secret cremations carried out by the Punjab police referred to the NHRC by the Supreme Court of India on 12 December 1996.

The appropriateness of the NHRC as a watchdog of fundamental and human rights, created in 1993 under the Protection of Human Rights Act, has always been suspect. The Indian establishment conceived the NHRC in response to mounting international criticism about the abysmal human rights record of Indian state institutions.¹¹⁷ The government quickly devised the NHRC to counter the criticism it expected to face at the 1993 World Conference on Human Rights at Vienna. When on 28 September 1993, the Government of India issued a pre-emptory ordinance called the Protection of Human Rights Ordinance, establishing the NHRC, a Human Rights Commission Bill, introduced in the Lower House of Parliament for a debate on 14 May 1993, was already pending. By bringing in the ordinance, the government skirted the normal procedure of debating and discussing its provisions. The ordinance that later became an Act, failed to fulfil the standards and principles prescribed by *Principles Relating to the Status and Functioning of National Institutions*, generally known as the “Paris Principles” and the *National Human Rights Institutions: A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*.¹¹⁸ We shall later consider some of the major deficiencies in the Act.

Former Chief Justice Ranganath Misra was the first chairman of the NHRC. Justice M. N. Venkatachaliah, his successor, had been hailed as one of the finest

¹¹⁵ *The Tribune*, 27 December 1999, Anupam Gupta, HC shows the door to People’s Panel.

¹¹⁶ *India Today*, 21 September 1998, Punjab: Invoking the Past, by Ramesh Vinayak - <http://www.india-today.com/itoday/21091998/punjab.html>

¹¹⁷ Vijayashri Sripathi, “India’s National Human Rights Commission: A shackled Commission?”, 18 *Boston University International Law Journal*, 1, Spring 2002.

¹¹⁸ G. A. R.Es. 48/134, ESCOR, Annex (1993): “Principles Relating to the Status and Functioning of National Institutions”; *National Human Rights Institutions: A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*, Professional Training Series No. 4, PP 216, 19(1995), UN Sales No. E. 95/XIV.2.

chief justices India has had. As the chief justice of the Supreme Court, Venkatachaliah was familiar with the working of the Punjab police through several cases that came before his bench. In one case, a writ of *habeas corpus* filed by Inder Singh for the release of seven members of his immediately family including his 85-year-old father Sadhu Singh and 14-year-old nephew Sharanjit Singh, Justice Venkatachaliah had remarked: “We are deeply concerned about the safety of the citizenry at the hands of such an errant, high-handed and unchecked police force”.¹¹⁹

As already observed in the first introductory chapter, the Supreme Court of India referred the matter of police abductions leading to disappearances and secret cremations in Punjab to the NHRC in December 1996, as *Reference Case No. 1 of 1997*, observing that the Central Bureau of Investigation’s report disclosed “flagrant violation of human rights on a mass scale.” The court’s order said: “We request the commission through its chairman to have the matter examined in accordance with law and determine all the issues which are raised before the commission by the learned counsel for the parties. Since the matter is going to be examined by the commission at the request of this Court, any compensation awarded shall be binding and payable.” The Court ordered the CBI to continue its investigations to determine criminal culpability and to submit quarterly status reports.¹²⁰

The NHRC that took cognizance of the case on 2 January 1997 comprised the following members:

- Justice M.N. Venkatachaliah, chairperson,
- Justice Fathima Beevi, former judge, Supreme Court of India,
- Justice S.S. Kang, former Chief Justice Jammu & Kashmir High Court,
- Justice V.S. Malimath, former Chief Justice Kerala High Court and
- Mr. Virendra Dayal, erstwhile Chef de Cabinet of former UN Secretary General, Javier Perez de Cuellar, with the rank of an under secretary general.

Soon, Justice Fathima Beevi and Justice Kang ‘retired’ from the NHRC and got appointed as governors of Tamil Nadu and Kerala, two of the 28 states comprising the Indian Union.

Four Phases of the Proceedings: Preliminary Questions

The proceedings before the NHRC have continued for six years and can be divided into four phases. The first phase—the most promising one—lasted until 4 September 1997 and resolved several issues of great importance concerning the scope and purpose of the reference made by the Supreme Court.

In the first phase, beginning from 28 January 1997, the commission attempted to delineate the parameters of this unique reference from the Supreme Court, the scope of its inquiry and the manner in which it proposed to go about its appointed task. The commission posed the following questions to the Government of India,

¹¹⁹ *W.P. (Crl.) No. 221 of 1994*, In an order dictated on 15 September 1994.

¹²⁰ *Paramjit Kaur & Committee for Information & Initiative on Punjab, Vs. State of Punjab, Writ Petitions (Crl.) Nos. 497/95 and 447/95*, Order dated 12 December 1996.

the state of Punjab, the Punjab police and the Committee for Information and Initiative on Punjab (CIIP), and asked them to submit their opinions:

- (a) Has the mandate of the Supreme Court had the effect of removing the bar of limitation under section 36(2) of the Human Rights Act, 1993? Or, is the NHRC designated *sui generis* to perform certain functions and adjudicate certain issues entrusted and referred to it by the Supreme Court?
- (b) What are the views on the concept and content of the idea of compensation referred by the Supreme Court to the NHRC for determination?
- (c) What are the other specific issues that must be decided by the NHRC?
- (d) Can the NHRC set up an adjudicatory mechanism to expeditiously quantify compensation, subject to the final decision taken by the NHRC?

On the same day, the commission directed the Government of India to appear before it and to “assist the commission in the performance of its functions arising out of the mandate of the Supreme Court”.

Conflicts on the Scope of Inquiry

Contentions on the scope of the imminent inquiry flared up before the NHRC at the first hearing itself. The Union and the state governments, as well the Punjab police officials representing themselves separately, vehemently opposed our assertion that the commission’s mandate under Article 32 of the Constitution was to discover the depth and magnitude of all violations divulged by the CBI’s report and to restore justice through compensation and other reparative measures. The proceedings of the commission, under the Supreme Court’s reference, had to cover not only the illegal cremations at the three sites revealed in the CBI’s report, but also disposal of bodies in other ways throughout the 17 districts of Punjab, without any time limit, following illegal abductions, enforced disappearances and extra-judicial executions carried out by state agencies.

The problem with the Protection of Human Rights Act 1993 (PHRA), the statute that created the NHRC and bound its normal working, underlay the furious debate over the “preliminary issues” that the NHRC wrestled with the first six months. The limitations of the Act contradicted the standards specified for national human rights institutions by the *UN Handbook* and the *Paris Principles* referred to earlier. The State parties to the proposed proceedings called for the enforcement of the limitations in their ‘objections’. Some of these major defects or shortcomings of PHRA are:

1. Section 36(2) places a one year statute of limitation, stating: “The NHRC or the State Human Rights Commission shall not inquire into any matter after the expiry of one year...” Prima facie demonstration of evidence should be the guiding principle for taking cognizance of a complaint, without any time limit. Internationally, statutes of limitation impose a time limit only with the view that claims are not made after evidence has been lost. In German law, for example, the periods range from six months for breaches of administrative regulations to 30 years for

crimes involving a life sentence but, as also in the United States, there is no limitation on crimes involving genocide and murder. In England, there is no general statute of limitations applicable to criminal actions. In 1968, the UN General Assembly adopted the Convention on the Non-applicability of Statutes of Limitation on War Crimes and Crimes against Humanity. Surely, the PHRA, whose first statement of objects and reasons refers to India's international human rights obligations, should have amended its clause 36(2) in conformity with this principle. India acceded to this convention on 12 January 1971.¹²¹

2. Under Sections 11(b) and 14 of the PHRA the commission is forced to depend on the investigative agencies of the government, themselves accused of grave violations. The PHRA requires suitable amendment to enable the creation of an investigative mechanism, accountable to the National and the state human rights commissions alone, that would possess statutory powers to demand cooperation from government authorities under investigation. They must also have the powers to compel production of documents and other evidence necessary to complete investigations. Currently, the NHRC does not even possess the powers available to police officers and executive magistrates investigating unnatural deaths under sections 174, 175 and 176 of the CrPC, 1973;
3. Section 19 of the PHRA prohibits the human rights commissions from directly investigating allegations of human rights violations committed by the military and paramilitary forces. Amendment of this section is essential to the requirement of justice in a state where the military, the paramilitary and other central forces have been routinely deployed to carry out counter-insurgency operations;
4. Likewise, section 30 of the PHRA providing for the establishment of special human rights courts requires guidelines on the mandate and powers and procedures of these courts. An amendment must also remove the requirement of governmental sanction for the prosecution of public servants. Without it, the provision of special human rights courts under section 30 of the PHRA can have no meaning;
5. Finally, section 18 of the PHRA must be amended to provide the human rights commissions with the statutory powers to enforce their findings and recommendations.

Submissions on the Preliminary Issues

The CIIP, in its submissions, argued that the powers of the NHRC in this particular case derived from the Supreme Court, in exercise of its jurisdiction under Article 32 of the Constitution. The Supreme Court, under well-settled law, has the “amplest power to issue whatever direction or writ appropriate in a given case for enforcement of a fundamental right”. Further, Article 32 lays down a “constitutional obligation on the Supreme Court to protect the fundamental rights of the people and for that purpose exercise all incidental and ancillary powers including the power to forge new remedies and fashion new strategies designed to enforce fundamental rights.”¹²² Therefore, the NHRC was a *sui generis* designate of the Supreme Court

¹²¹ United Nations Treaty Collection, <http://www.unhcr.ch/html/menu3/b/treaty6.htm>

¹²² AIR 1984 SC 802 and AIR 1987 SC 1086.

with all powers within the jurisdiction of Article 32, in addition to its powers under the PHRA, 1993, without being encumbered by its limitations. In fact, the Supreme Court's 12 December 1996 order clearly said that except for the registration of criminal cases against the culprits, which the CBI was to do, the NHRC would determine all other issues.

The Supreme Court's mandate to the NHRC included an inquiry into the systemic aspects of the violations, as it was inconceivable that violations of this magnitude could take place without the knowledge, approval and complicity of the state's higher echelons. As the CBI's investigations establishing mass cremations appeared to cover only three cremation grounds in Amritsar district, the NHRC had to extend the investigation to all other cremation grounds in the state as well as to other forms of disposing of dead bodies. More importantly, the starting point of the investigation had to be the fact of enforced disappearance, not the specific method of disposal of the body. Only through a comprehensive investigation would the NHRC be able to propose the corrective measures to ensure that such violations did not recur.

Finally, in formulating the criteria for compensation, the CIIP's submission argued that the commission should be guided by the principles of :

- a) Exemplary damages based on strict liability to penalize the wrong doer, as laid down in the *Nilabati Behara* case,¹²³ through determinations about the extent of offense done to the state's responsibility to protect fundamental rights and the level of complicity of the political and administrative hierarchies in the violations;
- b) The standards of repairing the wrongs caused to the victims and their families, as laid down in the *D.K. Basu* case,¹²⁴ by taking into account the particular circumstances of each victim and his traumatized family;
- c) The Human Rights Committee decisions and opinions under the Optional Protocol on Civil and Political Rights on similar matters. The PHRA is explicit on what human rights standards are to guide its work. Its section 2[d] specifies that they are to be the "rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the international covenants and enforceable by court in India." The Supreme Court's ruling in the *Vishaka* case¹²⁵ holds that the provisions in international treaties signed by India are enforceable even if they have not been incorporated into the domestic legislation.

The Punjab government and the police emphasized that the powers of the Supreme Court were not interchangeable with the powers of the statutory bodies. Thus, the Supreme Court's referral of the issue of compensation and other issues raised in the two writ petitions violated the spirit of the Constitution. The state and the police argued that the NHRC could adjudicate only if it was permissible to do so under the PHRA. The mandate conferred by the Supreme Court could not remove

¹²³ 1993 (2) SCC 746.

¹²⁴ 1997 (9) Scale 298.

¹²⁵ AIR 1997 S. C. 3011, 3014.

the limitations imposed by the PHRA on the functioning of the NHRC, particularly its section 36(2).¹²⁶ Therefore, the NHRC had no choice but to decline adjudication in the matter. In any case, the Supreme Court had no intention of taking up any dispute outside the issue of compensation.

The Union government's arguments, though couched in slightly more decorous terms, essentially followed the same lines. They emphasized that the PHRA did not give the NHRC adjudicatory powers and that it was a fact-finding body that could only make recommendations to the government. An order of the Supreme Court or the high court that extended the jurisdiction of a statutory body would be contrary to the Constitution and, therefore, could not be complied with. The NHRC had to act within the limitation of section 36(2) of the PHRA and rule 8(I) of the National Human Rights Commission (Procedure) Regulations, 1994, prohibiting it from investigating complaints older than a year, *sub-judice* cases, and matters outside its purview. The Union government also argued that compensation could not be paid to legal heirs of "terrorists" who died in police actions and that allegations of atrocities and wrong doing against public servants had to be established through proper investigation before any action could be taken against them.

The counsel for the NHRC made the following main arguments, important for the contrast they provide with the changed perceptions of the NHRC that marked its orders on the scope of the inquiry in the second phase of the proceedings. The counsel argued that the NHRC's jurisdiction derived not only from the provisions of the PHRA but also from the Supreme Court's 12 December 1996 order and the mandate of the International Covenant on Civil and Political Rights (ICCPR), 1966. The NHRC was a unique institution established under the Act to implement India's commitments under the ICCPR and the International Covenant on Economic, Social and Cultural Rights. Acting on the additional dimension of jurisdiction under Article 32 provided by the Supreme Court's order in the present case, the NHRC possessed the powers to investigate, inquire, and determine liabilities, obligations, duties, and also identify persons and authorities responsible for violations of human rights, take further steps to ensure enforcement of such determinations, and suggest remedial and compensatory measures. The NHRC's counsel argued it would be absurd to suggest jurisdiction if the powers to consummate it were not simultaneously implied.

The Order on the Preliminary Issues

On 4 August 1997, the National Human Rights Commission gave a detailed order on these preliminary contentions, holding that it was designated as a body *sui-generis* to carry out the mandate of the Supreme Court, which had referred "the whole matter to be dealt with by the NHRC" after concluding that "flagrant violation of human rights on a mass scale" had taken place.

The salient points of this order are as follows: First, the NHRC claimed its jurisdiction under Article 32 of the Constitution, a guaranteed remedy and itself a

¹²⁶ The section prohibits them from entertaining complaints of violations older than one year from the date of the incident.

fundamental right, binding the Supreme Court to act against all complaints of human rights violations; second, it concluded that the Supreme Court had referred the whole matter to the NHRC, to determine and adjudicate all issues arising from the CBI's report. All references to concepts of damages, fair and adequate compensation in public law, the right to rehabilitation and the redress of established infringements revolved around Article 21 as a compendious guarantee that no person shall be deprived of life or personal liberty except in accordance with the procedure established by law. It also affirmed that the state was vicariously liable for acts of infringement committed by public servants and that the argument of sovereign immunity would not be available against claims by citizens for just and adequate compensation and punishment of the offender. Finally, the NHRC stated that the specific circumstances and the factual contents of all complaints was the basis for establishing liability and quantifying compensation.

For each of these findings, the order relied on Supreme Court judgments. In granting the NHRC jurisdiction under Article 32 of the Constitution, the order cited *Bandhua Mukti Morcha Vs. Union of India*¹²⁷ and *M. C. Mehta Vs. Union of India*.¹²⁸ In these cases, the Court said that, under Article 32's obligation to protect fundamental rights, it had the power to forge new tools, devise new methods and adopt new strategies. Thus, in this matter, the Supreme Court had chosen the NHRC as its instrument. Therefore, section 36(2) or any other limiting provision of the PHRA could not constrain the powers of the NHRC any more than they could circumscribe the Supreme Court's powers under Article 32.

The order sustained the NHRC's power to adjudicate, under the approval of the Court: "The jurisdiction and the powers of the NHRC, to the extent they go, can be sustained on surer grounds which do not attract the vice of "delegation". The Supreme Court in its order had asked the NHRC to have the matter examined and "determine all the issues which are raised before the NHRC". It had also observed that "if any approval or further assistance from this court is necessary, the same may be sought by the NHRC". Reading these two stipulations together, it was obvious that the court retained authority over the matter and any determination by the NHRC, wherever necessary and appropriate, would be subject to the court's approval.

On the issue of compensation, the order referred to a range of decisions of the Supreme Court that lay down the broad parameters of the emerging concept of damages, and guidelines as to the nature and content of the idea of compensation in public law.¹²⁹

The order then referred to the requirements of Article 4(1) of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984, which the Government of India has signed, and Article 2.3(a) of the UN International Covenant on Civil and Political Rights 1966, requiring state-parties to ensure that their legal systems allow victims of torture and other abuses the opportunity to obtain redress. They must also have an enforceable right to fair and adequate compensation, including the means for as full a rehabilitation as possible, as well as other effective remedies notwithstanding that persons acting in an official

¹²⁷ 1984 (3) SCC 161.

¹²⁸ 1987 (1) SCC 395.

¹²⁹ *Nilabati Behara Vs State of Orissa* 1993 (2) SCC 746, *DK Basu Vs. State of West Bengal* 1996 (9) Scale 298 and *PUCL Vs. Union of India* 1997 (2) JT 311.

capacity committed the violations. The NHRC drew authority for citing these international instruments from the rationale of the Supreme Court's judgement in *PUCL Vs. Union of India* (supra), which stated that "the provisions of the covenant, which elucidate and go to effectuate the fundamental rights guaranteed by our Constitution, can certainly be relied upon by courts as facets of those fundamental rights and hence, enforceable as such." The *PUCL* judgement also said that the resolutions of the General Assembly of the United Nations laying down universal principles are entitled to incorporation as part of any particular fundamental right guaranteed by the Indian Constitution. The order also cited the case of *Francis Coralie Mullin Vs. The Administrator, Union Territory of Delhi*,¹³⁰ where the Supreme Court had declared, long before the 1984 Convention against Torture had come into force, that the protection against torture belonged to the right to life entrenched in Article 21.

Regarding the state's liability towards victims of human rights violations, the NHRC's order strongly relied on the Supreme Court's judgement in *D. K. Basu Vs. State of West Bengal*, describing it as one of far reaching significance that will shape the future. The judgement said: "...monetary or pecuniary compensation is an appropriate and indeed an effective and sometimes perhaps the only suitable remedy for redressal of the established infringement of the fundamental right to life of a citizen by the public servants and the state is vicariously liable for their acts. The claim of the citizen is based on the principle of strict liability, to which the defence of sovereign immunity is not available and the citizen must receive the amount of compensation." On the question of quantification of compensation, the NHRC's order said that first it was necessary to lay down the factual foundations to establish liability.¹³¹

With this order, the NHRC disposed of the contentions on the scope of the inquiry and the powers of the NHRC. The commission then went on to invite from all the parties suggestions on modalities for further proceedings and also to devise a pro-forma to invite complaints by public-notice. On 4 August itself, in a separate order, the NHRC recorded its views on modalities of further proceedings in the case as follows:

Since a large number of alleged cremations are said to have taken place it ... was suggested to the Learned Counsel ... and they seem to be agreed on this ... that the appropriate procedure might be to invite, by public notice, claims ... from those who are aggrieved and such cases shall be inquired into to ascertain whether the deaths and subsequent cremations or both were the results of acts which constituted negligence on the part of the State and its authorities ... and ... the basis for the quantification of compensation.

Read together, the two orders of 4 August 1997 clearly spell out the NHRC's intention to examine all claims received from the publication of a public notice and to adjudicate upon each such claim in an appropriate manner.

¹³⁰ 1981 (2) SCR 516.

¹³¹ *Enforced Disappearances, Arbitrary Executions and Secret Cremations: Victim Testimony & India's Human Rights Obligations – INTERIM REPORT*. By the Committee for Coordination on Disappearances in Punjab, 742 Sector 8-B, Chandigarh. July 1999, pp. 83-85.

Our Suggestions on the Modalities of Further Proceedings

On 30 August 1997, the NHRC convened a meeting of all parties to discuss the modalities of further proceedings and also make suggestions on the format of the pro-forma for complaints and claims. The CIIP's written submissions emphasized the importance of synthesizing the imperatives of transparency as well as the necessity of protecting the primary data elicited through pro-formas from the dangers of abuses. It was also important that the NHRC devised a way of managing and processing the data to ensure reliability of complaints and also satisfy the subsequent requirements of analysis and cross-referencing. The necessity to clearly understand the patterns of violations could require the human rights commission to undertake further in-depth investigations. Adjudication on patterns of violations and the development of criteria to quantify compensation could only evolve from a satisfactory completion of this investigative process.

The CIIP also submitted a design for the suggested pro-forma which it had developed after consulting several international human rights organizations. It was suggested that the pro-forma should be available at primary health centers, post offices, offices of village revenue officials, block development officers, sub-divisional magistrates and district magistrates. It should also be available in jails and other custodial institutions.

The CIIP proposed that as the first step, the NHRC should publish a public notice that would begin with a clear statement on its mandate. It should carry an assurance that confidentiality of the information shall be maintained and that complainants need not disclose the identities of witnesses while completing the pro-formas. They could supply this information later to the NHRC in complete confidentiality. The CIIP suggested that the notice should also say that anyone who made false statements would be liable to prosecution for perjury. Finally, the notice should specify the places where the pro-forma would be available, the places where the completed forms may be deposited, the deadline for depositing pro-formas and their right to obtain receipts. These forms should then be forwarded to the NHRC in sealed boxes. A specially constituted secretariat of the NHRC could then scrutinize the forms and collate the information in the following categories:

- a) Cases under each police-district;
- b) Cases where deaths are established;
- c) If established, whether there are corresponding entries in any record like the cremation ground record, municipal record or police record;
- d) Cases where deaths are not established;
- e) Cases where bodies were not handed over to the relatives;
- f) Cases where bodies were handed over to the relatives;
- g) The cases where the bodies were cremated by the police as *lawaris* (unclaimed/unidentified);
- h) Cases where prior to disappearance/ death the person was alleged to have been in police custody;
- i) Cases where there are witnesses to support this allegation;
- j) Cases where a complaint/ representation about the disappearance or police custody was made;

- k) Cases where the authorities responded to the complaint/ representation;
- l) Cases where destruction and/ or expropriation of property is also involved; and
- m) Cases where more than one member of the family disappeared or died.

After processing this data, the CIIP asked that the NHRC should call for information from the police. This should be done by giving them the names and other particulars of the missing/dead person. They may admit or deny knowledge or custody. They may give an explanation of death or disappearance. They would be required to substantiate their position by producing records, their diaries, their own dead-body disposal registers and so on. According to the CIIP, the police should also be asked to furnish an explanation for the illegal cremations detailed in the CBI report. Independently, the NHRC should call for the following official records: The cremation ground records of each police district insofar as they relate to cremations carried out by the police; the municipal records pertaining to bodies disposed of by the police; the records of each police district pertaining to custodial deaths and encounters; and press releases including photographs issued by the police or the state government relating to deaths in custody, escapes and deaths in armed encounters.

Examination and processing of these sources of information would yield patterns of violations, laying the foundation for the adjudicative stage of the NHRC's proceedings.

Second Phase: The Union Government Returns to the Supreme Court

When the NHRC met for further hearing on 4 September 1997, the standing counsel for the Union government moved an application praying that the proceedings of the NHRC be stayed for three months as the Central government and the ministry of home affairs, not being in agreement with the NHRC's order of 4 August 1997, wished to move the Supreme Court for a clarification. The NHRC adjourned the matter till 6 October 1997 to give them time. This order marked the end of the first phase of the proceedings before the NHRC.

The Supreme Court took a little over a year to decide the application moved by the Union of India, and supported by the Punjab government and the Punjab police officers. Justice Saghir Ahmed, who had shared the bench with Justice Kuldeep Singh in originally remitting the matter to the NHRC, and Justice S. Rajendra Babu delivered the Court's 10 September 1998 decision under the shadows of a virulent campaign for police amnesty led by K. P. S. Gill. The order bolstered our hopes by dismissing the Union government's application and chastising its agencies for their obstructive attitude. The operative part of the order, that seemed to settle the issue of jurisdiction and the NHRC's powers, said: "In deciding the matters referred by this Court, the NHRC is given a free hand and is not circumscribed by any conditions."

However, the part of the order regarding the ambit of the inquiry contained ambiguities. The NHRC later used these ambiguities to alter its position on the scope of the inquiry. First, the Court said, "The matter relating to 585 dead bodies, which were fully identified, 274 partially identified and 1,238 unidentified bodies,

has already been referred to the NHRC, which has rightly held itself to be a body *sui generis* in the instant case.”

This emphasis on the number of bodies cited in the CBI’s report left some margin for interpretation, contrary to the mandate of Article 32, that the inquiry would not encompass the wider patterns of police abductions leading to disappearances and secret disposal of bodies. However, in a later part of the order, the Court seemed to favor a comprehensive understanding of the NHRC’s mandate. Referring to its 22 July 1996 direction to the CBI to issue a general notice to the public, including all authorities and government offices, to place any information or material available with them and to assist the investigating agency to ascertain the identities and circumstances around which the large number of bodies had been cremated, the Court concluded: “It is in the background of the above order that the order dated 12 December 1996 is to be read, in which this Court had stated as under: “Without going into the matter any further, we leave the whole matter to be dealt with by the commission”.”

In the litigation under Article 32 the “whole matter” obviously meant infringement of the fundamental rights that arose from the allegations made in the original writ petitions, corroborated by the CBI’s investigations. Words and their usage, proper or improper, could not be used to upset this basic truth. However, semantics prevailed and members of the NHRC, like performers of an orchestra sensitive to the conductor’s variation of the theme, used the ambiguities in the language of the Supreme Court’s second order to invert its earlier positions.

Referring to the ongoing investigations by the CBI, the Court had said: “The investigation by the CBI has been ordered and is being done to determine and establish some other facets, including culpability of those responsible for violation of human rights. The remaining issues have been referred to the NHRC. They obviously relate to violation of human rights. If on publication of a general notice, as proposed by the NHRC, which incidentally was also done by the CBI in pursuance of our order dated 22 July 96, complaints relating to violation of human rights are filed before the Commission, it will investigate into those complaints in accordance with the provisions of The Protection of Human Rights Act, 1993, specially section 17 thereof and will also take such steps, after enquiry, as are deemed fit by it in the light of the provisions contained in Section 18 of the Act.”

This part of the order seemed to confuse the issues and made it possible to argue that whereas the NHRC would adjudicate the matter of 2,097 bodies without any limitations, it would investigate other complaints that may result from the publication of the notice in accordance with the provisions of the Act.¹³²

Arguments in a Vicious Circle

The NHRC met again on 16 September 1998, after its proceedings in the matter had been stalled for more than a year. Although the agenda was to develop clear modalities for the inquiry and to finalize the public notice to invite complaints and claims, the NHRC raised the issue of applying “filters” so that the matter would not

¹³² *Enforced Disappearances, Arbitrary Executions and Secret Cremations: Interim Report, Op, Cit.,* pp.93-95

become excessively enlarged. Justice Venkatachaliah cited the example of the litigation centered around the Bhopal Gas Disaster, where the number of claims exceeded the total population of the city of Bhopal, to argue that it was necessary to have in place a mechanism to eliminate false claims. There could be no reasonable objection to the need to weed out false claims. In fact, such weeding would, inevitably, take place in the course of verification of each claim received by the NHRC. The human rights commission's insistence on a "filtering mechanism" was, therefore, both bewildering and disturbing.

Taking the lead given by this opening from the commission, the Union and the state governments renewed their claims and submitted that the NHRC circumscribe its inquiry to the locations, the numbers and the mode of disposal of bodies cited in the CBI's report.

The CIIP made written submissions arguing that any contention to limit the inquiry, as desired by the Union and the Punjab governments, would be wholly repugnant to the Supreme Court's express intent. The CBI may have chosen to limit its investigations of the cremations at Durgiyana Mandir, Patti and Tarn Taran crematoria because records from these places had already been supplied by the CIIP. For the NHRC to repeat the same exercise and exclude all other issues of violations that remained undetermined would constitute a substantial abridgement of the Supreme Court order. Illegal cremations, burials, entombment or quartering and drowning of bodies in canals, as issues, had to remain secondary to the principal theme of fundamental rights whose violations had preceded and culminated in one or the other form of disposal.

Deconstruction of a Mandate

On 13 January 1999, the NHRC passed yet another order, called "order on the scope of inquiry", to deconstruct our understanding of the mandate that resulted from the commission's earlier decision on the preliminary issues, affirmed by the Supreme Court's 10 September 1998 clarification with some ambiguities. The NHRC posed the problem succinctly:

"The petitioners contend that the NHRC is required to inquire into all incidents of what are referred to as "extra-judicial eliminations" or "involuntary disappearances", "fake encounters", "abductions and killings", etc. alleged to have been committed by the Punjab police during the decade of 1984-1994. The contention of the Union and the state of Punjab on the other hand is that the inquiry is restricted only to 2,097 cases of cremation of the bodies - 585 fully identified, 274 partially identified and 1,238 unidentified - in the police districts of Amritsar, Tarn Taran and Majitha."

To resolve the controversy, the NHRC decided to revert back to the history of the litigation and the Supreme Court's orders, to search for the contradictions within their interstices that would support a reversal of its earlier position.

The NHRC referred to the Court's 15 November 1995 order directing the CBI to undertake the inquiry into the press note "Disappeared: Cremation grounds",

released by Jaswant Singh Khalsa on 16 January 1995. According to the NHRC, the press note talked about a large number of human bodies being cremated in the district of Amritsar as “unidentified”, 700 bodies at the Tarn Taran municipal crematorium, 400 at Patti municipal ground and 2,000 at Durgiyana Mandir cremations ground. The NHRC’s order claimed that “the press note did not speak of any illegal executions or similar cremations in any other district of Punjab”. The Supreme Court ordered the CBI to investigate the allegations contained in the press note, “which related only to the cremations at the three crematoria in Amritsar district.” Accordingly, “the scope of the inquiry was restricted.”

The NHRC conceded that some paragraphs in the petition filed by the CIIP referred to extra-judicial executions and disappearances alleged to have occurred all over the state. However, these statements were general in nature and were not backed by material evidence to support them. Therefore, “they did not admit of specific traversal except by way of general denials.” In the NHRC’s opinion, the pleadings taken as a whole, centered around the main grievance that extra-judicial killings and disappearances had culminated in the cremations at Durgiyana and Patti municipal cremation grounds. Thus, so far as the CBI was concerned the scope of the inquiry ordered by the Supreme Court was limited to the allegations in the press note about the cremations in Amritsar district. As the petitioners did not seek modification of the Supreme Court’s order of inquiry by the CBI, it was obvious that all parties agreed that “the inquiry was and should be limited to cremations in Amritsar district.” The NHRC concluded: “By analogy and parity of reasoning, it requires to be understood that the scope of the remit to the commission was similar though the purpose is different.”

To buttress the conclusion, the order referred to the public notice carried by the CBI in newspapers in Punjab which said that the investigating agency was “making an enquiry into the matter pertaining to disposal of unidentified/unclaimed bodies in three police districts of Amritsar, Majitha and Tarn Taran between June, 1984 and December, 1994.” This showed the CBI’s understanding on the scope of the inquiry. The NHRC stated that the petitioners should have moved the Supreme Court for a direction to the CBI to enlarge the scope if, in their opinion, the investigating agency had misunderstood the Court’s intention. Absence of any such endeavor indicated their agreement. Also, they did not raise objections even as the CBI kept filing its reports, culminating in the fifth and final report filed on 9 December 96, disclosing 582 fully identified, 278 partially identified and 1238 unidentified bodies. As the Supreme Court remitted the matter in consideration of this final report, the scope of the inquiry by the NHRC had to be accordingly restricted.

The Terms of Reference: New Interpretations

In response to the CIIP’s arguments for a more expansive scope of the proceedings, the NHRC said that the wide language of the 12 December 1996 order by the Supreme Court did not enlarge the scope of the inquiry instituted by the Court with its 15 November 1995 order. The inquiry was limited to the allegations in Jaswant Singh Khalsa’s 16 January 1995 press note. The wide terms of reference in the 12 December 1996 order only related to the issues of compensation and other appropriate relief, whenever justified, arising from the cremations in the three police

districts of Amritsar. It claimed support for this conclusion from the Supreme Court's 10 September 1998 clarificatory order, wherein the Court had said: "The matter relating to 585 bodies (which were fully identified), 274 partially identified and 1,238 unidentified bodies, has already been referred to the NHRC which has rightly held itself to be a body *sui generis* in the instant case."

In conclusion, the NHRC said: "The contention of the petitioners to the contrary that the commission should undertake an investigation of all the alleged police killings in the state of Punjab, apart from being extremely expansive in nature, does not seem to square or be reconcilable with the express terms of the Court's remit."¹³³

The most important point about this order, restricting the inquiry to "cremations", "the given number of 2,097 bodies" and the "location of Amritsar district", is the pivotal position it attributed to Khalra's 16 January 1995 press note, and the conclusion that "it did not speak of any illegal executions or similar cremations in any other district of Punjab." It is a matter of record that Khalra's press note made a passionate statement about common patterns of police abductions, disappearances and extra-judicial executions throughout the state, using the records of cremations in Amritsar only as an example of the larger reality.

It is also a matter of record that the Supreme Court withheld the CBI's report as a secret document, leaving us incapable of studying its contents let alone challenging them. It was also absurd for the NHRC to suggest that the scope of the inquiry was limited by the CBI's understanding of the Supreme Court's order and our failure to seek modifications in the directions. We cannot explain why the CBI decided to confine its investigations to those records of cremations that we had already furnished, instead of finding out if such events occurred in other parts of Punjab as well. Few substantiated facts through purely voluntary effort were brought to the Supreme Court's notice. That cost Jaswant Singh Khalra his life.

The NHRC's suggestion that our allegations about larger patterns of abductions, disappearances, extra-judicial killings and secret disposal of bodies did not allow extrapolation because they were not substantiated by material evidence is absurd, to say the least. Our specific allegations had been proved. This should have been enough to shift the burden of evidence to the state authorities to show that its institutions did not repeat such violations in other parts of Punjab. Besides, neither the Union nor the state governments had made such a claim. On the other hand, the CBI's report, far from ruling out such occurrences in the rest of Punjab, rendered them strongly probable.

This order of the NHRC was an abomination to our understanding of truth and restorative justice, as well as the fundamental principles of human rights law. It employed the competence of Article 32, a constitutionally guaranteed remedy against infringement of all fundamental rights of citizens, to amplify its powers beyond the statute that had created it. Simultaneously, it insisted on disallowing the benefits of this guaranteed remedy to the citizens who have suffered the violations. This, indeed, was extraordinary.¹³⁴

¹³³ *Interim Report, ibid*, pp. 96-104; Amnesty International –Report – ASA 20/24/99, August 1999, *India: A vital opportunity to end impunity in Punjab* — <http://www.amnesty.org/ailib/aipub/1999/ASA/32002499.htm>

¹³⁴ *Enforced Disappearances, Arbitrary Executions and Secret Cremations: Victim Testimony and India's Human Rights Obligations – Interim Report, Op. Cit.*, pp. 96-102.

Limitations on the NHRC Inquiry

The National Human Rights Commission is an expert statutory body created to fulfill Indian obligations under the International Covenant for Civil and Political Rights. Under Article 32, and agitated by the larger implications of the CBI report, the Supreme Court remitted this matter to the NHRC. The main issues to be adjudged are enforced disappearances and arbitrary executions, carried out by state agencies, culminating in illegal cremations and the disposal of bodies in ways that remain largely unknown. This is the inescapable conclusion that follows from the composite reading of the allegations and the prayers in the writ petitions, the Supreme Court's initial order asking the CBI to investigate, the Supreme Court order referring the matter to the NHRC, the commission's own findings on the preliminary issues and, finally, the Supreme Court's clarification on the Union government's objections.

Article 1 of the Declaration on the Protection of All Persons from Enforced Disappearance condemns this crime as "a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights." The Working Group on Enforced or Involuntary Disappearances points out that cases of disappearance cannot be closed and must be treated as continuing crimes until the state agencies inform the relatives of the locations of the victims, dead or alive, and recognize their right to obtain redress, including medical, psychological, legal and social rehabilitation. The stipulations under the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions follow the same principle. As we observed earlier, the Supreme Court itself described enforced disappearance as the worst crime against humanity.

The territorial limitation to the inquiry imposed by the NHRC would combine with other restrictions to completely defeat the ends of justice. Without a comprehensive inquiry, it is not possible to establish which regions of Punjab the approximately 1,500 unidentified bodies, cited in the CBI's cremation report, came from. The records of the three cremation grounds in Amritsar that we had furnished pertained to the period from 1991 to 1993. Presumably, the period of inquiry by the CBI was also limited to this time. However, the notification published by the NHRC enlarged the time span from 1984 to 1994 while keeping the inquiry limited to the number of bodies cited in the CBI's report. The logic behind this expansion of time frame by the NHRC, while surrendering on all other relevant issues, is inscrutable indeed. Although many unidentified bodies cremated at these sites between 1991 and 1993 would have come from far-flung districts of Punjab, it should be possible to cover up the truth by associating the numbers in the CBI's report to more than 2,000 persons in the district of Amritsar who disappeared in the span of a decade.

The notification and the questionnaires circulated by the NHRC inviting claims emphasized the compensation that the legal heirs of illegally cremated victims should eventually receive. However, the questionnaires circulated by the commission skipped all the destructive experiences of victims so necessary to develop criteria for monetary compensation and other restorative and rehabilitative measures. For example, the questionnaires sought details of occupation, income, property owned by claimants and persons whose bodies had been cremated. But they offered no

columns for the claimants to inform the commission about the destruction, theft and confiscation of their immovable property, cattle, crops and chattel. Likewise, no attempt was made to measure psychological damages and their consequences suffered by relatives of victims. The questionnaires also indicated that the commission did not care for the plight of widows and orphans as issues relevant to the determination of compensation.

The rules of evidence and other aspects of the procedure suggested by the NHRC lacked conceptual deftness and a comprehension of intricacies involved in an inquiry of this nature. These deficiencies, combined with other anomalies already discussed, created major obstacles in the way of monetarily compensating the victims of illegal cremations in Amritsar by standards of fairness, adequacy and justness. For example, the commission invited claims from legal heirs of people who were illegally cremated in Amritsar district in the period between 1984 and 1994. The 13 January 1999 order of the NHRC also asked the state government to file before it a list of all the unidentified cremations in the district done by the police in the same period. The order placed the initial burden of proving the legality of the cremations on the state authorities. This supposed onus of proof on the state was meaningless in a situation that did not afford the victims any means to assail plain lies. On the other hand, sections 107 and 108 of the Evidence Act turn the burden of proving the death of a disappeared person on the person making the claim. State authorities can use these sections to disclaim responsibility for such cases of enforced disappearances. Payment of compensation is unlikely so long as the presumption of death is not established. Some countries like Chile, South Africa and Sri Lanka have exhumed mortal remains from graves and other undesignated places to forensically identify people who were clandestinely buried after security agencies abducted them. But exhumation and other forensic methods cannot salvage the identities of those who have been surreptitiously burnt with their ashes washed away in rivers and canals. A judicial declaration on presumption of death is needed to resolve this obstacle. However, no such declaration can come forth through a process that excludes enforced disappearance as an issue for scrutiny.

Our Understanding of the Mandate

These are some of the points on which we abhor the NHRC's deconstruction of its remit under Article 32 of the Constitution. Our understanding of the mandate is that the NHRC has to:

- 1) Investigate and give its findings on every complaint of illegal abduction, enforced disappearance, arbitrary execution and disposal of dead body carried out throughout Punjab;
- 2) Examine the antecedents, circumstances, factors and context of such violations to determine the variety of overlapping rights inherent in the rights to life, liberty, and equality before the law which have been destroyed;
- 3) Unravel the complex connections of responsibility that permitted a systematic practice of crimes against humanity, including the identities of officials and

- agencies that conducted, connived or knew, and did not take measures in their power to prevent, suppress or report them;
- 4) Identify the victims, meaning persons who, individually and collectively, suffered harm, including physical and mental injury, emotional suffering, economic loss or impairment of their fundamental rights in other ways. The process of identification also has to include, apart from the family and dependents of those disappeared and killed, such other persons who suffered harm in the process of attempting to prevent these offences and in helping the victims;
 - 5) Quantify compensation and develop other measures of restitution and rehabilitation on criteria to be evolved through the determination of the aforementioned issues.

The Commission Rejects our Review Application

After marshalling all our arguments against the 13 January 1999 order, the CIIP submitted a review application requesting the NHRC to seek directions from the Supreme Court about the issues that we had raised, if it was not willing to review its own order. Section 18(2) of the Protection of Human Rights Act specifically mandates the commission to approach the Supreme Court or high court for “such directions, orders or writs as that court may deem necessary.” The Supreme Court’s 12 December 1996 order explicitly mentioned that “if any approval or further assistance from this Court is necessary, the same may be sought by the commission.” Our application also requested the NHRC to withhold the publication of the public notice, which it proposed to issue on 31 January 1999, until our review application was considered.

The NHRC decided to publish the public notice and dismissed our review application with an order released on 24 March 1999. The order said that the commission had carefully considered the CIIP’s arguments, which it raised earlier and now reiterated. The relevant question was not whether the commission should investigate the serious issues arising out of what was perceived as a violation of human rights on a mass scale. The relevant question was whether the remit and the mandate of the Supreme Court, from which the commission drew its jurisdiction, permitted this. It was the commission’s view that the directions of the Supreme Court did not envisage a wider investigation of all of the alleged extra-judicial executions or enforced disappearances in Punjab, but specifically referred to the issue of the cremations of 2,097 bodies as unclaimed bodies in the police districts of Amritsar, Patti and Tarn Taran.

Regarding the systemic patterns of killings that culminated in the cremations, the order stated that if such patterns were disclosed from the examination of the 2,097 cases of cremations, it would then consider what further action to take within the remit. Elucidating the NHRC’s methods to determine the illegality of cremations, the order explained that apart from inviting claims from the members of the affected public, it had also directed the Punjab government to explain each cremation in the three police districts. The government had to file, before 10 March 1999, a chronological list of all the cremations done in the three cremation grounds between June 1984 and December 1994 and, also, explain in respect to

each cremation whether the authorities had observed the rules for cremating unclaimed and unidentified bodies. If necessary, and at the appropriate stage, the NHRC would examine the details about the authorities' compliance or non-compliance with the rules and their consequences.

The order also declined the suggestion that the NHRC should seek further directions from the Supreme Court on the scope of the inquiry, because it had no doubts on the mandate from the Court. Thus, the review petition was dismissed.

Some months later, by an order dated 5 August 1999, the NHRC also rejected our plea for "disclosure and inspection of status reports from the CBI". This rejection of our prayer for access to the reports filed by the CBI before the Supreme Court followed the trend displayed by the commission while dealing with the main case. We had requested access to the CBI reports because, in our view, it was not possible to proceed, even with respect to the limited mandate that the NHRC had adopted without a careful perusal of the CBI's report.¹³⁵ After the passing of this order of 5 August 1999, the CIIP felt that there was no purpose in participating in the proceedings before the NHRC without first trying to persuade the Supreme Court to intervene in the matter and restore a modicum of rationality to the proceedings. Thus, thereafter, the CIIP was not represented before the commission till 15 February 2001. This marked the end of the second phase of the proceedings before the NHRC.

Third Phase: The Grounds for Moving the Supreme Court

Having failed to persuade the NHRC to either review its order, in the light of our submissions, or refer the matter back to the Supreme Court for clarification, as it had been mandated by the Court, we had no option but to take the latter course ourselves. As we have already said, the restrictions imposed on the inquiry fundamentally affronted our understanding of truth and restorative justice. As the commission pointed out in its 4 August 1997 order, the Court retained "seisin over the matter and any determination by the NHRC, wherever necessary and appropriate, would be subject to this power of approval".

The Light of Further Evidence

Our disappointment with the NHRC made it even more imperative for us to continue with documentation work that was being done under the aegis of the CCDP. The further evidence that we introduced in our interim report¹³⁶ heightened the absurdity inherent in the commission's order of 13 January 1999 as well as its subsequent order of 24 March 1999. Through this work, we conclusively established that what had happened in Amritsar was repeated in other districts in the state.

¹³⁵ *Enforced Disappearances, Arbitrary Executions and Secret Cremations: Victim Testimony and India's Human Rights Obligations – Interim Report*, Op. Cit, pp. 102-103; Amnesty International – Report – ASA 20/24/99, August 1999, India: *A Vital Opportunity to End Impunity in Punjab*, p. 5.

¹³⁶ *Enforced Disappearances, Arbitrary Executions and Secret Cremations: Victim Testimony and India's Human Rights Obligations*, Pub. CCDP, Chandigarh, August 1999, Op. Cit.

The evidence that we presented there had two distinct components. The first part consisted of municipal corporation records of illegal cremations at six crematoria, all outside Amritsar. The records are from Zira, Mansa, Kapurthala, Faridkot and Ludhiana.

The second part of the evidence drew from victim-testimony and survivors discourse, which the committee had assiduously compiled by recording interviews with the close relatives of those who had been abducted, disappeared, killed, and cremated, and by having them fill an incident report form, designed to capture complaints of human rights violations with all their ramifications.

Emphyrean Indifference

Our application to the Supreme Court for clarification was filed on 24 August 1999. We waited till the interim report was released before filing this application. The succinct, 30 page application was accompanied by nearly 450 pages of annexures. A copy of the interim report was also annexed, apart from all other relevant documents emanating from two-and-a-half years of proceedings before the NHRC. Given our lack of success at persuading the NHRC, despite having an impeccable case in law as well as on facts, we chose to request Gopal Subramaniam, an eminent senior advocate at the Supreme Court to argue the application. The application was listed before a bench comprising Justice Saghir Ahmed, who together with Justice Kuldip Singh had passed the original 12 December 1996 order, and Justice M. Jagannadha Rao.

After summarizing the proceedings in the case before the NHRC up to the date of filing of the current application, we drew the Court's attention to the work of the CCDP in documenting "as completely as possible, ... cases of alleged 'disappearances' in Punjab during the period 1984 to 1995." Referring to the recently published interim report, the application summarized its findings as follows:

- 'Disappearances' have occurred in all districts of Punjab as well as some districts of Haryana. About a quarter of the cases are from Amritsar district;
- They have occurred every year from 1984 till 1995 with the maximum disappearances (more than half the total number) taking place between 1991 and 1994;
- People from almost all walks of life became victims, including doctors, lawyers, journalists, teachers, state and Central government employees, students, businessmen and, even, policemen, army men, BSF jawans etc;
- The "disappeared" range in age from 4 years to 90 years;
- In over 25 per cent of the cases, the police, apart from illegally abducting the victim, destroyed, damaged and confiscated family property;
- In over 60 per cent of the cases, one or more family members of the disappeared person suffered moderate to severe psychological trauma, including insanity;
- In over 25 per cent of the cases, at least one other member from the family of the disappeared person died (including suicide) as a result of the trauma of the "disappearance";
- In nearly 25 per cent of the cases, the police abducted (and killed) more than one member of the same family;

- In over 90 per cent of the cases, the “disappearance” was accompanied by brutal custodial torture, including rape, of the victim as well as of close relatives;
- In over 60 per cent of the cases, there are eyewitnesses to the illegal abduction;
- In about 35 per cent of the cases, those who eventually “disappeared” or were shown by the police to have been killed in ‘encounters’ etc., were seen by their relatives, in police custody, subsequent to their abductions;
- In nearly 60 per cent of the cases, the persons who had “disappeared” were subsequently reported by the police to have been killed, either as a result of an “encounter” or while “escaping” from police custody;
- Over 85 per cent of the families of the victims did not seek any judicial redress for the recovery of their “disappeared” family member from fear of police reprisals. The cases of those who approached the court, mostly the Punjab and Haryana High Court, in petitions for writs of *habeas corpus*, were mostly dismissed following routine denials by police officials;
- The bodies of the abducted persons were returned to the families for cremation in less than 10 per cent of the cases;
- In addition to the details regarding their own family members, who had disappeared, the families of the victims disclosed knowledge/information on 390 additional cases of illegal abduction leading to disappearances and custodial murders, explained away as encounters or escape from custody.

Thereupon, the application contended :

“The interim report is a stark document. It establishes beyond doubt that ‘disappearances’ occurred all over the state. It also establishes that illegal disposal of bodies was not confined to three cremation grounds in Amritsar. ... [and] that the starting point of any investigation into the matter has to be the allegation of ‘disappearance’ ... [I]t would be entirely misconceived to treat ‘cremations’ as definitive of the crimes committed. ... [E]ven assuming, as the NHRC holds, that the petitioners were required, in law, to provide specific details/ information regarding the ‘larger’ issues, ... the same stands satisfied ... [A]s such there can be no justification ... for restricting the inquiry ... to ... the numbers or the area mentioned in the orders dated 13 January 1999 or 24 March 1999.”

The application also referred to the continued insistence of the NHRC about keeping the CBI’s report secret and submitted that, even going by the position evidenced in the NHRC’s order dated 13 January 1999, it was necessary to give the parties access to the CBI’s report. In this context, it was submitted that the court should also rule on the issue of “confidentiality”. The application asked for directions to the NHRC to:

- Investigate and give its finding on every complaint of illegal abduction, enforced disappearance, arbitrary execution and disposal of dead bodies carried out throughout Punjab;
- Examine the antecedents, circumstances, character, and contexts of such violations to determine the variety of overlapping rights inherent in the rights to life, liberty and equality before the law, which have been destroyed;

- Determine the multi-fold spiral of responsibility that permitted such a systematic practice of crime against humanity, including the identities of officials and agencies that conducted, connived or knew, and did not take measures in their power to prevent, suppress or report them;
- Identify the victims, i.e. people who individually and collectively suffered harm, including physical and mental injury, emotional suffering, economic loss, or impairment of their fundamental rights in other ways. The process of identification must also include, apart from family and dependents of the disappeared and killed, other persons who suffered harm in the process of attempting to prevent these offensives and in helping the victims;
- Quantification of compensation and development of other measures of restitution and rehabilitation, including suggestions for ensuring that such crimes are not repeated in the future, must then be evolved based on criteria through the determination of the aforementioned issues.

For the attention that the Supreme Court paid to the arguments made in the application, one might as well have gone to it with a three page request. Supreme Court advocate Gopal Subramaniam had read the interim report before appearing in court to argue the application. His arguments, therefore, had the fervor of personal conviction.

The Court dictated the following verdict: “We are not prepared to interfere with the order of the NHRC or the proceedings which are being conducted there at the instance of this court. If any fresh instances of killing or disappearance have come to the notice of the applicant, which were not the subject matter of enquiry of the CBI, the applicant may either approach this court under Article 32 of the Constitution or take recourse to any other remedy available under law including a writ petition under Article 226 of the Constitution. Applications for clarification and stay are rejected.”

By refusing to interfere, the Supreme Court gave its stamp of approval to the view taken by the commission in its order of 13 January 1999 and reiterated in the order of 24 March 1999. Having declined to “interfere”, there was no call for the Supreme Court to record that we, the petitioners, could bring “fresh instances of killing or disappearance ... which were not the subject matter of the enquiry of the CBI” to the notice of the justice system by invoking Article 32 or Article 226 of the Constitution.

Our chagrin was complete. It seemed to us that the entire case that was initiated, in a sense, because Jaswant Singh Khalsa disappeared, had been nullified. The forces of impunity seemed to have prevailed and we saw no point in attending the hearings in the case before the NHRC.

Third Phase: Withdrawal from Hearings

The third phase of the proceedings before the commission commenced with our decision to abstain from the hearings though keeping track of them through the copies of the orders. Superficially, our absence from the hearings ought not to have made any difference to the proceedings. It is a settled principle of public interest

law in India that the petitioner does not have *dominus litus* in such matters. In such cases, the Supreme Court has held, the *lis* is between the court and the offending party or parties. The petitioner is merely the person or the party that draws the attention of the court towards the illegality or the violation. Once the court is seized of the matter, the role of the petitioner, in effect, abates. Thereafter, the petitioner is permitted to be present before the court at its discretion only until and to the extent that the petitioner continues to assist the court in its duty of upholding the rule of law. Justice Venkatachaliah had himself laid down this law in the famous *Sheela Barse* case.¹³⁷

The logic of the Court's decision cannot be faulted. A matter of public interest cannot be made subject to the whim of an individual or even a group or an association of individuals. The court seized of the matter is deemed to be the guardian *ad litem* of both the issues and the affected persons. Such a decision presumes that the court discharges its function as guardian with all seriousness and sincerity. What shall, however, be the remedy when the court fails to discharge its solemn duties as guardian and trustee of the public weal? A brief chronology of the proceedings before the NHRC after 18 June 1999 till the time when we re-entered the fray should explain the relevance of this question:

- 5 August 1999: The CIIP was refused access to the CBI reports. About two paragraphs of the order are devoted to the furnishing of additional office space or "chambers" made available to the commission by the Central government, demanded by the commission specifically for a 'separate secretariat' to deal with the 'thousands of claims' expected to be filed in this case. From the inception of these proceedings, the NHRC had impressed upon both the Central and state governments the necessity for additional funds, infrastructure and facilities to enable it to discharge the enormous responsibility thrust upon it by the Supreme Court. In partial discharge of this, the commission had, previously, compelled Punjab to deposit Rs. 2.5 million with the commission and had issued a direction to the CBI to furnish a list of cases in which it has filed charge-sheets.
- 16 September 1999: The CBI did not comply with the above direction. Since no one was present on behalf of the CBI, the commission's registry directed the issuance of a notice to the CBI and its counsel to comply with the direction forthwith. The Punjab police excused itself from furnishing a statement as to the cases "they are contesting or in which cases they propose to agree for grant of compensation etc" on account of the forthcoming elections to Parliament. It was recorded that the commission had been allotted two rooms in Jailsalmer House and that the job of furnishing them was almost complete.
- 28 October 1999: Adjourned, as the Punjab government had still not made up its mind as to the cases that it would contest and those that it would not.
- 2 December 1999: Once again Punjab sought an adjournment, which was granted. While doing so, the Commission recorded that as per the state government, once the "exercise" was completed, "the matter can be disposed of on that

¹³⁷ *Sheela Barse Vs. State of Maharashtra*, AIR 1983 (SC) 378

basis". This was the first date which Justice Verma presided over a hearing in this case.

- 19 January 2000: Punjab government placed on record the fruit of their "exercise". The 88 claims received by the NHRC were classified into three "lists". Annexure 'A' was a list of 23 cases that were outside the purview of the commission, as the cremations, allegedly, had been carried out outside the district of Amritsar. Annexure 'B' comprised 47 cases in which the Punjab government asserted that "claims" had been made "under one jurisdiction or the other". Annexure 'C' was a list of 18 cases in which, without "minutely examin(ing) the correctness of the claim,... the state government concede[d] for the payment of Rs. 1 lakh [Rs. 100,000, approximately US \$ 2,000] in each case but it is the stand of the state government, Union of India is under constitutional obligation to support it." The rest of the order was devoted to directions to various parties: The commission's registry with respect to the first list, the Punjab government with respect to the second list and the Union of India regarding the sharing of the "burden" with respect to the third list.
- 1 March 2000: At the request of both the Union of India and the state of Punjab, the case was adjourned.
- 30 March 2000: Once again, the case was adjourned as the state parties were not ready with their home work.
- 6 July 2000: Solicitor General of India Harish Salve appeared for the Union government. The commission opined that the dispute between the state and the Central government as to who was liable to pay, should not be decided by it as "examination of the preliminary objection would only delay determination of the real question regarding the quantum of compensation and its payment to the victims."
- 20 July 2000: The case was adjourned without any meaningful activity.
- 18 August 2000: This was the order that galvanized us to intervene in the matter once again. By this order the commission articulated its approval of the scheme of compensation proposed by Punjab in January 2000. We shall deal with this order in greater detail, below.
- 30 November 2000 : A new counsel appeared on behalf of the CBI and sought time to comply with the directions of the commission dated 24 March 1999.

Thus, almost immediately after the NHRC decided to only look at cremations in Amritsar district, it forgot all about its own decisions and proceeded to concentrate on two things: [1] The "processing" of the 88 claims received by it in accordance with the state government's plan; and [2] taking possession of the additional accommodation obtained by it from the Central government. All of the parties and their counsel appearing in the matter happily agreed with this state of affairs. Without our intervention they would have happily closed the case as 'complete' by granting a sum of Rs. 100,000 to the next of kin of the 18 disappeared persons in whose cases the Punjab government had magnanimously declared itself willing to compensate without examining the "correctness" of the claims. To gather the full import of this sequence of events, it is necessary to recount the facts in some detail.

Attempts to Close the Matter

Pursuant to its 13 January 1999 order holding that its remit from the Supreme Court mandated it only to inquire into the 2,097 cremations in Amritsar district cited in the CBI's lists, the NHRC issued a public notice in Punjab. The notice required each claimant to swear on oath that their disappeared kin had been cremated in one of the three cremation grounds of Amritsar investigated by the CBI. The absurdity of this stipulation has been elucidated in the preceding paragraphs. Owing to the defects inherent in this public notice, the NHRC received only 88 claims from people in Punjab. By this method, in a space of less than four years, the established order of things succeeded in scaling down a case pertaining to the disappearance of thousands of people all over Punjab to 88 cases.

The Punjab government further categorized these 88 cases. In a letter dated 17 January 2000, the Punjab government, department of home and justice affairs (human rights cell) wrote to the counsel representing it before the NHRC. The letter referred to proceedings before the NHRC on 5 August 1999. On that date the commission had allowed the request of the counsel for Punjab for copies of the claim statements "for correlating as to in which cases the state admits the claims for disposal and proceed with the matter on that basis and to verify in which case the state disputes the same." The letter dated 17 January 2000 informed the state government's counsel that it had decided as follows with respect to the 88 claims:

- Twenty-three claims do not fall in the police districts of Amritsar, Majitha and Tarn Taran. As such they do not fall within the purview of the present reference. This list is annexed as Annexure 'A'.
- Forty-seven claims are such that although geographically they fall within the above police districts, they are ineligible for compensation. They have either approached other agencies like the high court, district courts or the state human rights commission, or they are under investigation by the CBI. Therefore, it would be appropriate that compensation in such matters be awarded after the final disposal of the matter. A list of such cases is given in Annexure 'B'.
- Eighteen cases qualify for consideration by the NHRC for payment of compensation. It is stressed that the state has not conducted any detailed examination of these cases on merits nor is there any admission of any kind by the state in these matters. These suggestions are being given with the view to settle the matter and also as per the suggestions of the NHRC. This list is annexed as Annexure 'C'.

At the hearing on 19 January 2000, the counsel for the Punjab government placed his client's letter dated 17 January 2000 on the record. The NHRC asked the Central government whether it would agree to bear the burden of paying the compensation in the 18 cases, forming part of Annexure 'C' of the Punjab government's letter dated 17 January 2000, pending a resolution of the "dispute" between the Central and the state government over whose liability it was to pay. On 1 March 2000 the case was adjourned at the request of both the state of Punjab and the Union of India. On 30 March 2000, the case was again adjourned at the joint request of the parties. On 6 July 2000, the Solicitor General Harish Salve appeared before the NHRC to plead for his client. The proceedings record that the dispute between the Union and

the state of Punjab “does not appear to us (the commission) to be a question which needs to be decided in the present case. We are also of the opinion that a question like this is best left unadjudicated, as far as possible”.

On 18 August 2000, the solicitor general again appeared to plead for the Government of India. After hearing the parties, the NHRC recorded as following: “The second category of 18 cases which are required to be considered by the commission for payment of compensation is shown in Annexure ‘C’ in the above said letter [dated 17 January 2000]....The material present in conjunction with the stand taken by the State government, “that it has neither conducted any detailed examination in these cases on merits, nor does it admit its liability in these matters, but it offers payment of compensation in accordance with its policy contained in letter dated 29 August 1995 with a view to settle the matter as also in view of the suggestion of the NHRC,” alone is sufficient to render the state government liable for payment of compensation on the above basis. For this conclusion it does not matter whether the custody was lawful or unlawful or the exercise of power of control over the person was justified or not; and it is not necessary even to identify the individual officer or officers responsible/ concerned.”

We had refrained from attending hearings before the commission after it rejected our request for a disclosure of the CBI’s report. The last hearing attended by the CIIP was on 18 June 1999. However, we continued to receive copies of the orders passed by the commission from time to time, through which we followed the case. On receiving a copy of the commission’s order dated 18 August 2000, we felt that the outrage being committed in the name of justice to the victims of involuntary disappearances in Punjab had gone too far. The NHRC was not even embarrassed by the fact that though it had itself asserted its mandate to be the 2,097 cremations carried out at the three cremation grounds in Amritsar district investigated by the CBI, it now connived with the Punjab government to close the matter by paying Rs. 100,000 to families of 18 persons. The Punjab government did not dispute the “enforced disappearance” leading to illegal cremations in these cases, but proposed to compensate without admitting liability and without examining the cases on merits. The commission was not even embarrassed by the anomaly that the state was simultaneously disputing 47 claims in Annexure B on merits.

Earlier, the NHRC had used the CBI’s report to limit the scope of inquiry to Amritsar district. The report included a list of 2,098 cremations: 582 fully identified, 278 partially identified and 1,238 as yet unidentified. By its 5 August 1999 order, it rejected our application for disclosure and inspection of the CBI’s report, as also the periodic reports on the progress of its investigations into the issues of criminal culpability ordered by the Supreme Court, on the grounds of confidentiality and public interest. What did the commission do to identify the 1,238 cremations listed in the CBI’s report? What did it do to compensate the legal heirs of 582 fully identified and 278 partially identified cremations? In its 5 August 1999 order, the commission referred to the CBI’s investigations into the criminal liability of public authorities for the deaths and the cremations. What meaning could these opaque investigations have while the NHRC exulted in the government’s offer to compensate 18 claimants from Annexure C without admitting liability, while disputing 47 claims from Annexure B on merits? Why shouldn’t these aggrieved families in Punjab believe that the NHRC is anything other than a puppet arm of the

state, organized for the consumption of Western donors?

Once again, I traveled to Punjab to meet the families of the 18 persons and, after placing the facts before them, to elicit their views on the issue. The response that I received was overwhelming. The families of all 18 persons outrightly rejected the proposal of compensation on the terms offered. They had been coping with the trauma of their relatives' enforced disappearance in the hope that some day the institutions in India would wake up to the imperatives of justice. They filled the claim forms circulated by the NHRC in the belief that justice, founded on an impartial and thorough investigation into their complaints, would form the basis for compensation and other reparative measures. The proposal of compensation without admission of liability, directly affronted the surviving relatives of victims for the reason that, even if indigent, they had not gone to the NHRC begging. The proposal of compensation offended also for the reason that no attempt had been made to determine the wrongs and losses, which they and their families had suffered in the course of coping with the atrocities inflicted on them by the authorities. The Supreme Court had granted compensation of Rs. 1,000,000 to the widow of Jaswant Singh Khalsa, who first highlighted the matter of illegal cremations and was thereafter disappeared by the police. In the connected cases arising from the same matter, the NHRC was offering Rs. 100,000. In the case of Khalsa's disappearance, the court granted compensation after conducting an impartial enquiry and determining the guilt of the officials responsible. In other cases, the proposal of compensation rested on the basis that there would be no determination of liability or a finding of guilt. The proposal was embedded in a discriminatory mindset as evident by the fact that the state was disputing on merits the claims of 47 others in list B, while proposing to grant compensation to 18 victim families in list C without admitting liability or the merits of their complaints. The proposals became invidiously discriminatory by excluding those who suffered similar abuses in other districts of Punjab but were not cremated in one of the three cremation grounds specified in the CBI's report to the Supreme Court.

Originally, it was our intention to file an application before the Supreme Court once again to attempt a rectification of the fundamental errors committed by the NHRC in the course of discharging its mandate. However, in view of public pronouncements by the chairperson of the NHRC, who was greatly embarrassed and irritated by the adverse publicity surrounding this episode, we decided to file these affidavits before the commission along with an application seeking that the commission at the very least act upon its order of 13 January 1999. This marked the end of the third stage of the proceedings before the NHRC.

Fourth Phase: Restoration of the Restricted Mandate

The NHRC heard our application on 15 February 2001. In its order of that date, the commission clarified that "the scope of this enquiry relates to 2,097 cremations according to the CBI report, out of which 585 were identified, 274 partially identified and the remaining 1,238 unidentified. In response to the public notice issued by the commission, only 88 claims have been filed. It is obvious that as far as practicable efforts must be made to inquire into all or as many out of 2097

cremations as possible and for that purpose the necessary particulars would be required. In respect of 585 cases, which according to the CBI report are identified, the particulars available in the CBI's report should furnish the basis for proceeding with the enquiry, irrespective of whether any claim has been filed in their respect or not. In respect of the 274 partially identified, the available particulars have to be utilized for making full identification and obtaining the requisite particulars to enable the enquiry to proceed. In respect of the remaining 1,238 unidentified cremations, efforts should be made to obtain necessary particulars in every possible manner so that an enquiry, if possible, can be held." Our intervention ensured that, at least, the case stood restored to the position that had obtained after the commission's 13 January 1999 order.

The fourth stage of the proceedings before the commission commenced with this 15 February 2001 order. It concluded with the direction by the NHRC to the state of Punjab, on 16 September 2002, to file their responses with respect to each of the 583 "identified" cremations by 30 October 2002. To facilitate this, the NHRC also directed the CBI to make available all records seized by it in the case. Naturally, and as expected, the state of Punjab was "unable" to comply. And, by the date of publication of this volume of our report, they had filed affidavits in less than 150 cases.

During the last two years there have been numerous hearings before the NHRC but, once again, very little progress. In March 2001, the commission recorded that the CBI would furnish a list of the persons cremated. The list would be in three parts. List 'A' consisting of fully identified persons, List 'B' consisting of partially identified persons and List 'C' consisting of unidentified persons. On 3 May 2001, these lists were provided by the CBI to all parties before the commission. On that date, the commission directed the CBI as well as the Punjab government to produce the entire material in their custody with respect to these cremations. The NHRC suggested that: "The first stage of enquiry of full identification of the maximum number possible out of the total of 2,097 is completed as early as possible..."

At a meeting held on 15 June 2001, the counsel for Punjab made it clear that his client did not have any material with respect to the 2,097 cremations. He also made it clear that he was not in a position to carry out the inspection of the records produced by the CBI. The inspection would have to be carried out by officers specially deputed for the task.

On 19 July 2001, the NHRC permitted the parties and their counsel to have assistance for the purpose of inspection of the records produced by the CBI. Pursuant to this, the CIIP inspected the record produced by the CBI on 23 July 2001. On that date, however, the inspection could not be completed. The CIIP, therefore, requested for permission to once again inspect the documents produced by the CBI on 26 July 2001. On that date, several officials of the Punjab government as well as several Punjab police officials were also present in the inspection room. Ostensibly, they too were there to inspect the CBI's record. Within minutes, however, it became apparent that the government and police officials present in the room were totally uninterested in the task of inspecting the record produced by the CBI. These persons simply sat and watched CIIP's counsel and his associate while they conducted their inspection. One of the government officials sat close to them in order to overhear their conversation. Shortly thereafter, this official objected to the CIIP

being permitted to inspect a particular bundle of files. The assistant registrar of the Commission, who was present in the room, immediately asked the counsel for the petitioners to stop his inspection. No further inspection was allowed to be carried out.

The NHRC was bombarded with a series of applications filed by the IGP, (litigation), seeking directions from the commission to bar the CIIP from inspecting the record produced by the CBI. It was claimed that “if any of the petitioner is allowed to inspect the record, this purpose will not be really to facilitate and expedite the process of identification, rather petitioner will be entrusted (sic) to rake-up undue and irrelevant issues, with the aim of obstructing the process of identification. Therefore, it is humbly requested, for the issuance of appropriate instructions in this regard.”

The CBI also filed an application under section 123 of the Evidence Act claiming “privilege”, thereby seeking to debar the CIIP from inspecting the record.

At the next date of hearing on 20 September 2001, the NHRC, orally, vented its ire against the obstructive tactics adopted by the Punjab government police officers and the CBI. It rejected the claim of privilege under section 123 of the Evidence Act. However, in its order, the commission recorded: “It does appear to us that some practical method has to be devised for inspection of the records made available by the CBI for the purpose of identification of those partially identified and unidentified bodies according to the lists already furnished, so that this matter can proceed further as early as possible.”

In effect, the NHRC granted the request of the Punjab government and the CBI and, thereafter, the CIIP did not carry out any further inspection of the record produced by the CBI. As a compromise, a joint inspection of the material was carried out under the supervision of R. Venkataramani, *amicus curiae* on behalf of the NHRC in this case. It became clear during this inspection that the record produced would be of very little help for any purpose. It, essentially, comprised of copies of the First Information Report (FIR) registered by the police with respect to each cremation, a copy of the post-mortem report, if any, in each case and sundry receipts for the purchase of firewood and a cloth necessary for cremating the body. The police daily diaries, vehicle log books, wireless room log books, etc. and other records that would establish the circumstances in which the body came into the custody of the police were missing. Nor was there any material pertaining to the investigation carried out by the CBI for identifying the cremated persons.

On 29 November 2001, the NHRC recorded that: “We considered it appropriate that without any further loss of time the proceedings can commence in relation to 582 identified, while simultaneously, steps can be taken for the identification of partially identified and the unidentified ... The next step with respect to the fully identified is to ask from the learned counsels their brief submissions identifying the point of substance in relation to which further proceedings are to be taken and the exact procedure laid down.”

The commission also directed that the original FIRs with respect to 278 partially identified cremations, be produced to help in the process of full identification of these persons. It permitted the CIIP to produce any material available with it, which would enable identification of many of the partially identified.

The framing of “points of substance” was a thorny process. The phrase is simply a fancy expression for the “issues” that are framed in all suits. On the face of it,

the issues of the case are simple. The important point was to ensure that while framing the points of substance, the commission did not lose sight of the objectives of the proceedings. With this in mind, on 18 December 2001, the CIIP filed its submissions *Re - Points of Substance to be framed by the Commission*. Along with the said submissions, the CIIP produced a list containing detailed information about the personal and political backgrounds of 57 persons whose cremation was included in the CBI's list of partially identified cremations. The Committee had on its own identified these persons.

We suggested that the NHRC may appoint an "expert body" comprising eminent persons known for their work in the field of human rights, including a retired high court or Supreme Court judge, to assist it in the course of evolving modalities for further proceedings in the matter. We pointed out that after receiving all the information that the Punjab government was able to provide with respect to each cremation, it will be necessary for the commission to elicit from the families their version of how disappearances, deaths and cremations happened. The information would have to be obtained in a properly designed pro-forma based on the incident report form submitted by the CIIP in 1997.

Apart from specific information pertaining to individual cases, the commission should seek submissions on the overall situation prevailing in the state during the relevant period from various categories of persons such as lawyers, teachers, university professors, politicians, religious persons, village council members, retired government officials, including retired soldiers, journalists and writers, etc.

The expert body to be appointed by the NHRC should examine all of the material received by it and, if necessary, orally examine any person to obtain elucidation, explanation and verification of the claims and the submissions. Thereafter, it could give preliminary findings on the facts of each case and advise whether or not the fundamental human rights of the cremated person or/and his family members were violated. The process could then move onto the issues of compensation and further action.

On 20 December 2001, the CIIP filed "additional points" before the commission. The purpose of these submissions was to emphasize that the "points of substance" had to be framed with clarity on the objectives of the proceedings before the commission in consonance with the "remit" of the Supreme Court. The proceedings before the commission were part of "public law" jurisprudence and were not in the nature of proceedings under regular civil or criminal laws. In other words, the framing of the "points of substance" must further the objectives of the proceedings and should lead to the determination of:

- The nature, causes and extent of the violation of human rights inherent in the facts of the case;
- The circumstances and motives that led to such violations;
- The identities of all persons, authorities and institutions involved in such violations, and
- Whether such violations resulted from deliberate planning on the part of the state or any of its organs or of any group or set of individuals connected with them.

Finally, the “points of substance” framed by the NHRC and its subsequent actions must be consistent with its normative framework and also help in ensuring that all genuine victims of human rights violations receive just and reasonable reparation.

The NHRC was very displeased by the manner in which we had interpreted its direction for proposing ‘points of substance’. During the hearing of the case on 20 December 2001, the NHRC made its displeasure very clear. The NHRC chairperson Justice Verma wanted all the parties to file the “points of substance” in a format that is common in civil suits and regular criminal proceedings. He was dismissive of the CIIP’s submissions and called them irrelevant to the proceedings. On this day, Indira Jaisingh, a senior Supreme Court lawyer and a well-known human rights activist, was leading the arguments for the CIIP, which had no choice but to agree to reformulate its submissions. In the end, we put together the following issues to be determined by the NHRC:

- Whether the death of the persons had been caused by the police? If yes, it was necessary to determine the exact circumstances and motives leading to their death;
- Whether the police were justified in causing the death of these persons and, if so, by what authority of law?
- Whether the above mentioned persons had been killed by the police while acting as an agency of the state and for its purposes?
- Whether the “cremations” was an attempt to destroy evidence of homicidal crimes?
- Whether the state and /or its agencies took all reasonable steps necessary to identify the bodies in question and to hand them over to the next of kin in accordance with the procedure prescribed by law?
- Whether the next of kin of the persons so cremated are entitled to compensation or any other form of rehabilitation and if so, to determine the basis and quantum of compensation?
- The last issue was to determine the action to be taken against the personnel responsible for causing these deaths.

On 17 January 2002, the hearing was adjourned because of the absence of the commission’s counsel. On 4 February 2002, the NHRC considered the submissions filed by the various parties and then framed the following points of substance in the case: “In the first stage we would like to confine ourselves to the 582 fully identified bodies. The issues which arise for consideration with respect to the fully identified bodies are:

- Whether the officers of the state of Punjab or of the Union of India who were connected with the cremation of the 582 fully identified bodies were not responsible for their death and, therefore, there was no violation of human rights committed by them?
- The liability of the concerned officers of these governments as a result of the above?
- In case of liability of the above officers, the consequent liability of the governments concerned; and,
- Relief, including compensation, if any.

In view of the frame of the above issues the initial burden obviously is on the concerned governments.”

The commission asked the state of Punjab and the Union of India to furnish such additional information or evidence as they chose in the case.

The 4 February 2002 hearing concluded the fourth phase of the commission’s proceedings that had commenced with the CIIP’s application for a rectification of the proposal of compensation to 18 victim families without the admission of any liability.

Stalled Proceedings

The NHRC did not hold any hearing in the case between 4 February 2002 and 2 September 2002. On 4 February 2002, the counsel for Punjab had indicated that the new state government in Punjab, following the elections to the legislative assembly, was likely to change the counsel representing the government before the commission. He also requested the commission to adjourn the matter for at least one month to enable the new government to find its feet and make such appointments as it thought fit. The case was adjourned to 4 March 2002.

By a letter dated 1 March 2002, the NHRC informed us that due to “unavoidable circumstances” the hearing was being postponed to 11 March 2002. On 11 March 2002, it issued another letter postponing the hearing indefinitely.

Nothing was heard from the NHRC for several months thereafter. The terrible violence in Gujarat, starting with the incident at Godhra and culminating in a sustained and systematic pogrom against the Muslims of the state kept the commission busy. The commission, under the chairmanship of Justice Verma, took a proactive lead in decrying the happenings in Gujarat. While the Central government and the regular hierarchy of the courts seemed to have abdicated their responsibilities for upholding the rule of law, the commission forthrightly condemned the connivance of various agencies of the Gujarat government in the perpetration of atrocities on the state’s Muslim population. Having done his duty as the chairperson of the NHRC, Justice Verma was, also, personally involved in persuading the UN Committee on Human Rights to desist from issuing any statement of condemnation or censure against the Government of India and Gujarat for their errors of commission and omission.

The Punjab case was fixed for a hearing on 26 August 2002, but was again adjourned and proceedings could resume only on 2 September 2002. R. S. Suri, the new counsel for Punjab, explained to the commission the views of his government on how the matter should proceed and asked for the reframing of the “points of substance”, formulated by the commission on 4 February 2002. The application, formally submitted by the Punjab government on this day, begins by referring to the “specter of terrorism” now threatening the world following the 11 September 2001 attack “on the symbolic towers of growth and prosperity in the heart of New York City”. It then refers to “the dare devil attack on the citadel of democracy, the (Indian) Parliament, (that) sent shock waves through every nook and corner of the country”. It connects these recent events to the “extreme form of terrorism (1984 – 1994)” that Punjab was exposed to “in a schematic manner by the invisible hand

from abroad which for all intents and purpose was a precursor for the secession of India and an attack on the very sovereignty and integrity of India". It contends that the nature of attack was such as could not be confronted with a conventional army. It states that "the Punjab police bravely fought this soft war at a heavy cost to itself" suffering over 1,700 casualties in the process. A compilation of the "martyrs of the Punjab police" was filed along with this application. It contends that the legal justice system had come to a grinding halt since there were no witnesses ready to depose against any terrorist or terrorist incident. It points out that the quest for an independent Khalistan had led to the formation of a government in exile and to the printing of maps and currency.

The application contends that, in terms of the Protection of Human Rights Act, 1993, the NHRC is not limited to protecting the infringement of human rights caused by representatives of the state but is also required to extend its protection to the infringement of human rights by acts of terrorism. The application then suggests that the 'points of substance', as framed by the NHRC, are unlikely to bring out the "correct facts in the correct perspective".

The application requests the commission to assess "the gravity of human rights violation in the background of the peak terrorism and in consonance with its statutory functions ...". It also requests the commission to "take into account that any person whose reputation is likely to be prejudicially affected is not affected without being heard," and also to "ensure that it should not compromise a fair investigation and a fair trial". In para 11 (e), the application submits: "The time frame under consideration of this Hon'ble Commission was an extraordinary time. It was necessary to take all steps to ensure that terrorists do not become role models for the impressionable youth and that they are not glorified and eulogized. Some high profile terrorists had gatherings in thousands, such as Toofan Singh, alias Jugraj Singh of village Marhi Buchian of district Batala. An added area of concern for the state was to ensure that attempts of the invisible hands to ignite communal tensions were promptly contained. In this background substantive compliance was done even for cremation/s. Detailed FIRs were duly registered, post mortem were conducted, inquest reports duly obtained and wherever possible and advisable, efforts were made to inform the village head / near kith and kin."

The application then submitted that: "To ensure that fair trial is not compromised, the onus of proving the issue of substance should not be on the state but on the petitioner committee."

The application also added that the "mammoth task of translating FIRs from Punjabi to English had been completed and that if required the same can be filed with the commission preferably without the names of the police officers." The application suggested reframing the points of substance as follows:

- Whether there has been violation of human rights in not complying with all the requirements of cremation of unclaimed bodies or there has been substantial compliance and hence, no violation of human right in ensuring dignity of dead body;
- Whether prima facie any unlawful death has been caused by any employee of the State/ Union?
- Whether the factum of prevailing environment of terrorism in Punjab would

have a bearing in considering the issues of substance and consequent determination of damages under public law?

- The criteria for determining liability of the concerned officers of these governments as a result of the above and consequent liability?
- In case of liability of the above officers, the consequent liability of the governments concerned; and
- Relief, including compensation, if any;
- The onus of proof on all parties.

The sum and substance of this application is manifest. The state of Punjab, while admitting its lapses, seeks to justify them on the basis of the so called state of war that prevailed with a complete failure of the civil institutions, including the justice system. It contends that despite these difficult circumstances, it had substantially complied with the legal requirements pertaining to the bodies which, it contends, were, in any case, merely “directory” not “mandatory”. This has been the refrain, off the record, of the Punjab government and the Punjab police from the inception of the case. They have orally admitted to all the allegations that we have made against them, but sought to justify them by saying that it had to be done if India were not to be balkanized.

Justice Verma refused to reformulate his “points of substance”. The counsel for the state of Punjab sought further time from the commission so as to persuade his client to the view of the commission. The case was adjourned for two weeks. On 16 September 2002, the commission recorded that the state of Punjab has “appreciated” the fact that the burden of proof to show that they were not responsible for the offences alleged against them was on the state government. The commission allowed the state government’s prayer for permission to inspect the documents with the CBI and directed the state government to file their affidavit with respect to the 582 identified cremations by 31 October 2002.

The NHRC directed the next hearing of the case for 8 November 2002. However, the case was first adjourned to 21 November 2002 and thereafter adjourned indefinitely. Meanwhile, the state of Punjab has filed less than 150 of the 583 affidavits that it was directed to file.

This is the six-year-long legal history of the matter of secret cremations in Punjab after the Supreme Court, in December 1996, referred it to the NHRC to comprehensively investigate and “determine all the issues” arising from the CBI’s report, which in its own words established “flagrant violation of human rights on a mass scale”.

CHAPTER THREE



METHODOLOGY

One of the main objectives behind the creation of the Committee for Coordination on Disappearances in Punjab (CCDP), as its memorandum of aims adopted on 9 November 1997 says, was to “develop a voluntary mechanism to collect and collate information on those who had disappeared from all over the state, and to ensure that the matter of police abductions leading to illegal cremations of dead bodies proceeds meaningfully and culminates in a just and satisfactory final order”.

From the beginning of our documentation efforts in Punjab, we recognized that the arguments about the state’s human rights obligations and the rights of victims to acknowledgement, restitution and reparation could have force only when the information on the violations and their magnitude became available in an objective, accurate and standardised form. In the face of stout denials by the state agencies and a vehement campaign for impunity, a fault-proof case had to be presented if we really cared enough about the matter of police abductions leading to secret disposal of corpses, reaching a just and satisfactory conclusion. This required an effective mechanism to undertake thorough investigative work at the grass-root level. Unfortunately, the large number of organizations and individuals who joined the CCDP were unable to participate in the tedious and unglamorous work of documentation that involved traveling and living in villages for weeks on end. Only a small team of volunteers persisted with the main objective behind the committee’s formation.

The first stage of documentation involved the filling of an incident report form designed and circulated by the CCDP, by close relatives of victims, assisted by the committee’s volunteers if the relatives could not read and write. The form was designed with an equal emphasis on descriptive and factual information, seeking political and family background, general circumstances of the disappeared persons, as well as the dates and facts of atrocities and the evidence to corroborate the allegations.¹

The number of forms and the dates on which the committee’s volunteers took them were entered in a register, along with the volunteers’ names and addresses. Similar entries, with names and dates, were also made when the volunteers returned them to the office.

Those forms that were sent back by mail were entered in a separate register.

Every form was given a unique number and acknowledged.

If the information was inadequate or confusing, we wrote back with requests for clarification and supplementary details.

A status report was prepared for every form after cross-checking the information with the lawyer, if there was one involved, and the volunteer who assisted the complainant to fill the form. This led to the second stage of verification, which

¹ See Appendix II.

involved new interviews, to understand the complex and unique situation of each victim and to guess its likely influence on the presentation of facts.

Transcripts of all interviews, when tape-recorded, and also all hand-written notes, are included in the files of the incident reports with their unique numbering, along with any other material, including press reports, court papers and personal letters containing information on the cases. Their perusal would show the staggering complexity of the verification process, with repetitive and circular questioning, checking and cross-checking, all aiming at a complete and authentic reporting process.

Although the process was time consuming, strenuous and emotionally exhausting, not least because the dignity of victims requires that we talk to them at their own pace and on their own terms, it has rewarded us with a wealth of information and insights, which help us to better understand the larger systemic aspects of violations. The experience has also taught us some lessons in the techniques of fact-finding. These should be useful to others involved in data collection in rural and largely illiterate societies torn by political violence and state repression.

The Interview Process

To illustrate the intricacies of the work, we shall give one standard example: A relative of the victim of enforced disappearance, such as a mother, a father, or a wife, who is reporting the incident, is illiterate. The relative has acquired a copy of the incident report form and has approached a local social worker who can fill it. Most probably, a political worker from the area, loosely affiliated to the CCDP, has gone to the family to record the incident. The straight and simple question in the column to be answered is: When did the incident take place? That sounds simple, but the reporting family member does not possess written notes on the incident's details. The local newspaper either did not report the incident or the copy has been lost. The reporter does not exactly remember whether it was four or five years ago. It was just approaching winter and crops in the fields were "so high"; harvesting was still "so many" weeks away. That is as close to the time of occurrence as you can get by the narration. Or again, the family member may know the year but not the month and the date; perhaps, if one is lucky, he may know even those details but by the local variation of the Indian system of calendar, let us say 16th of *Magh*!

The volunteer who is filling the form can, of course, take down the information verbatim. That would be easy to classify and enumerate, even resolve. He may have his own ideas of exactitude, but not enough sense or training to extract it. Not liking uncertain statements, he might resolve four or five years into a certain number and calculate the year back as 1992.

Of course, there are methods to extract the definite year, month and date of the incident even when the reporting relative is confused and does not have any written evidence to offer. Someone in the village might have gotten married around that time. Perhaps, someone in the neighbor's family had had a baby, or a cousin of the disappeared person had passed the school examination or had come home on a short vacation from the army. Perhaps the Congress party had formed the state government earlier in that summer, or there was an election to the village council of elders a few months later.

By determining a few such definite occurrences in the recollection of the reporting member, it would be possible to work one's count closer to the actual time. However, the process involves tiresome investigative work, hours of interviews, checking and cross-checking of facts and scanning of old newspapers. The volunteer might not have the patience, time or training for the task and so he might, through his own guesswork, mention a wrong date in the form that carries the thumb impression of the illiterate complainant.

The reporter says the incident happened on 16th of *Magh*. Our volunteer should normally know that the Indian month of *Magh* belongs to the winter season, but might not be able to work out the corresponding month of the Gregorian calendar. In stead of recording exactly what he has heard, he may write down his conjecture of the analogous month, which can be both January and February, and further vitiate the possibility of correction by swiftly guessing a date.²

We have taken care to ensure accuracy of information and to correct errors that could creep into the information system because of the "uncertainties and ambiguities" of the interview-process in rural Punjab. It is, however, possible that our database may still contain errors, hopefully not too many and only of trivial implications.

A Case for Exclusion

Let us consider one more example. A complainant, say XY Singh, is a well-to-do farmer and can also read and write. On 22 August 1991, his son is abducted from the local bus stand by unknown men. A shopkeeper who sees the kidnapping but cannot identify the kidnappers, or does not want to reveal their names out of fear. He is also afraid to become a formal witness.

Five days later, a newspaper reports the death of his abducted son in a supposed armed combat between some officers of a police station in the district and a group of unidentified militants. The report says that one militant, later identified as XY Singh's son, is killed while others escaped.

XY Singh knows the report is false. He does not actually know which officers abducted his son. But after reading the news report, he is convinced that the officers who killed him in the supposed combat are the ones responsible.

With the intention of filing a petition before the high court, XY Singh consults a local lawyer who tells him that unless there is a witness to identify the police officers as abductors, the court would not entertain his allegation. So, under the influence of this expert advice, XY Singh decides to introduce a false witness, a relative, to claim that he was also at the bus stand when such and such

² The Indian calendars divide a year of 360 days into 12 lunar months of 28 or 29 days, adjusting the discrepancy with a complicated system of intercalating a leap month. The names of the months are: Caitra or Chait (March-April), Vaishakha or Baisakh (April-May), Jyaistha or Jeth (May-June), Asadha or Ashad (June-July), Shravana or Savan (July-August), Bhadrapada or Bhadon (August-September), Ashvina or Asvan (September-October), Karttika or Kattik (October-November), Margashirsa or Makar (November-December), Pausa or Paus (December-January), Magha (January-February), and Phalguna or Phagon (February-March). Confusion and error, without a correct comparison, is inevitable because the Indian months overlap two Gregorian months.

officers carried out the kidnapping. Or, he decides to change the scene of the abduction to claim that the officers have picked up his son from his own house. After receiving notice from the high court, the officers swear in an affidavit disclaiming responsibility. The affidavit also contains some information suggesting that they were at some other place when the abduction allegedly occurred, and the court dismisses the petition. But the father feels compelled to repeat the invented evidence before our volunteers, lest his incident-report should appear inconsistent with the record of his statement before the high court. If the person interviewing him is patient and persistent, and would not hesitate to revert to him a few times after cross-checking the facts locally, he would know the truth. If then XY Singh insists on “consistency”, the incident report is excluded from the survey.

Integrity in Fact-Finding

It is through such a difficult process that our team of primarily three volunteers has managed to collect 1,703 incident report forms in five years of its investigative work starting from October 1997 to October 2002. An account of our experiences in the field and the difficulties encountered by us in completing this task would make an interesting saga, also useful to persons and organizations involved in similar work. That story will have to wait to be told another day, but some reflections pertinent to the issues of integrity, credibility and fairness of fact-finding exercises would be in order.

The fact-finding enterprise of the CCDP stemmed from the December 1996 reference to the National Human Rights Commission (NHRC) made by the Supreme Court after the CBI’s report substantiated 2,098 illegal police cremations carried out by the Punjab police in the three crematoria of Amritsar district and after the Supreme Court concluded that “flagrant violation of human rights” on a massive scale had taken place. This was a conclusion already reached by the individuals and organizations that joined the CCDP, after years of human rights work in Punjab. The terms of reference for the fact-finding enterprise defined themselves by the necessity of capturing information on illegal arrests and detentions, custodial torture, illegal confiscation and destruction of property, arbitrary executions, enforced disappearances and illegal disposal of bodies carried out by the security forces in Punjab in a standardized and verifiable form helpful to the objectives of justice and determination of reparation and compensation. We assumed that these actions of the security forces in Punjab were wicked and violative of India’s domestic constitutional guarantees as well as its international human rights obligations. These assumptions constituted the “subjective perceptive set” or the normative propositions guiding our field research. In order to apply these clearly defined normative standards to the endeavor of fact-finding, we reduced them into a set of neutrally stated questions of particulars to be elicited objectively, through the design of the incident report form, without interference from political passions and subjective notions. Whereas our fact-finding enterprise has, thus, been circumscribed by the “given” framework, we chose to apply a rigorous approach to obtain “non-given” facts in question, to let the specifics of each case, captured in a standardized format,

decide whether the “wicked violations” of fundamental human rights did or did not occur. By getting every complaint on an incident report form, we have ensured that the full results of our fact-finding remain open to disclosure, scrutiny and further investigations. This also means that the allegations contained in the reports are written down, specific in facts and can be called to scrutiny for disproof if the state agencies choose to provide contrary evidence. Our method of capturing data guarantees that the officials suspected of crimes against humanity can always obtain the specifics of allegations to which they must respond, if they wish to, and cross-examine the evidence and rebut them, if they can.

Unfortunately, as our experiment with the people’s commission revealed, the state of Punjab and the agencies of the Union government involved in the counter-insurgency operations implacably turned their back on our appeals to associate with a more open and public discovery of facts. Their adamant refusal to cooperate in any manner foreclosed our chances of testing the victim testimony against the contrary evidence possibly possessed by the state agencies. This not only compelled us to limit our research to the testimony of the victim community, but also forced us to follow rigorous standards in building our empirical and normative data base. While designing the incident-report form, we had chosen to obtain signatures of our informants and to altogether exclude anonymous complaints. All the case summaries in the following chapter disclose the full identifies of our informants from the conviction that the Supreme Court and the NHRC, having retained “*seisin*” over the matter, would shield them against possible vengeful reactions. Naturally, we have taken care not to disclose the names of witnesses, outside the immediate family responsible for the complaint, to protect them from retribution by the state agencies.

We paid special attention in the selection of our field researchers to be sure that they were impartial, free of commitment to a specific outcome, “responsible to their consciences alone” and qualified to distinguish objective facts from slanted information, as C. Wildred Jenks of the International Labor Organization insisted.³ The emphasis on impartiality and independence of researchers actually contributed to the thinning of the committee’s ranks. But we chose to loose the bodily strength of the committee rather than compromise with the sanctity of data and the inflexibility in the standards of research.

Interim Report

By the end of July 1999, the CCDP had already compiled 849 cases, involving involuntary disappearances and arbitrary executions. The compilation served as the basis for an in-depth analysis of 838 incident reports, which was included in the committee’s interim report released in August 1999. The survey had the following highlights:

³ C. W. Jenks, “The International Protection of Trade Union Rights”, in *The International Protection of Human Rights*, 210, 239, [Ed. Luard, 1967]

Distribution by District	
District	Number of Cases
Amritsar	287
Bhatinda	47
Faridkot	2
Fatehgarh Sahib	19
Ferozepur	11
Gurdaspur	119
Hoshiarpur	9
Jalandhar	9
Kapurthala	11
Ludhiana	69
Mansa	7
Moga	11
Nawan Shahr	4
Patiala	23
Ropar	79
Sangrur	126
Other	5
Total	883

Occupational Profile	
Occupation	Number of Cases
Farmers	398
Wage earners	81
Students	69
Technical self-entrepreneurs	47
Policemen & officers of security forces	37
Drivers	35
Businessmen	31
Religious workers	22
Professionals	22
Electricity workers	16
Revenue & administration	16
Agro-enterprises	17
Miscellaneous	12
Bank & accounting	4
Unemployed	28
Unknown	17
Total	838

Distribution by Age	
Age	Number of Cases
15-20	142
21-25	256
26-30	157
31-35	86
36-40	51
41-45	34
46-50	21
51-55	17
56-60	15
61-65	4
66-70	7
71-75	3
76-80	4
Unknown	38
Total	838

Distribution by Year	
Year	Number of Cases
1984	22
1985	2
1986	7
1987	28
1988	33
1989	47
1990	57
1991	181
1992	257
1993	135
1994	21
1995	9
1996	0
1997	0
Unknown	39
Total	838

Educational Profile	
Year	Number of Cases
Primary	96
Middle	136
High School	280
Higher Secondary	68
Arts graduates	57
Science graduates	4
Law graduates	3
Medical graduate	1
Diploma in Engineering	4
Post-graduates	7
Illiterate	182
Total	838

Marital Status

Out of 838 victims, 403 were married and 435 unmarried.

Deaths Under Trauma

In 222 out of 838 incidents, one or more members of the families are reported to have died under trauma.

Psychological Impact

The psychological impact of these incidents, leading to psychopathological consequences, is widespread. This presumption follows from the fact that 500 out of 838 cases report morbid psychological effects, including insanity, on one or more members of their families.

Destruction of Property

In 58 out of 222 cases, involving deaths of close relatives under trauma, the security forces also illegally destroyed, damaged and confiscated family properties. In all, the security forces, mainly the Punjab police, destroyed, damaged and confiscated family properties in 224 cases.

Abductions from Homes

More than 241 persons, who subsequently disappeared, were abducted from their houses.

Eyewitnesses

There are eyewitnesses to 530 cases of police abductions.

Seen in Police Custody

In 290 cases, persons who eventually disappeared or were said to have been killed in armed combats, had been seen by their relatives in police custody subsequent to their abductions, most often in lock-ups of police stations and interrogation centers.

Judicial Recourse

Relatives of 149 victims of disappearances approached the courts, mainly the High

Court of Punjab and Haryana, with petitions for writs of *habeas corpus*. Most petitions were dismissed following routine denials by officials. Some petitions are still pending although petitioners themselves remain ignorant about the proceedings. The majority of victim families, 689 to be exact, did not approach the courts either because of fear of the police or indigence.

Newspaper Reports

Four-hundred-sixty-seven of these incidents were reported in the local newspapers, mainly on the basis of police briefings and handouts claiming deaths either as the result of supposed armed skirmishes, called “encounters”, or as escapes from police custody.

Disclosure of more Disappearances

In 127 cases, relatives claimed to possess sensitive information on other incidents of illegal abductions and custodial murders. They disclosed 390 additional cases of illegal abductions leading to disappearances and custodial murders explained as encounters or escape from custody.

Multiple Family Incidents

In 193 cases, more than one member of the family was abducted, disappeared and killed.

Return of Dead Bodies

Only in 74 cases, the police returned the bodies to the families for cremations.

Custodial Torture

Seven-hundred-fifty-nine incidents report brutal custodial torture, including rape, not only of the victims who eventually disappeared or got killed, but also of their close relatives.

The analysis and the highlights of all the 1,703 incident reports, which the CCDP has compiled so far, would be presented in the second volume of this final report.

First Volume of Final Report

In this first volume of the final report, we are presenting the summaries of 513 cases of police abductions leading to illegal cremations in Amritsar district that figure in the three lists of cremations offered by the CBI along with its December 1996

report to the Supreme Court of India. We have personally investigated these 513 cases which offer information on 672 people from the CBI lists. Out of the 672 cases, 444 are from the list of 582 identified cremations, 79 are from the list of 278 partially identified cremations and 149 are from the list of 1,238 unidentified cremations. Besides matching names, fathers' names and places of residence, where available, we correlated the records in the CBI lists with our incident report forms by matching police stations and by comparing dates of cremation with newspaper reports based on police handouts giving the date of death, or our informants' knowledge about the death or cremation. The analytical notes, before the presentation of summaries, highlight their salient points and underscore the legal anomalies and factual discrepancies in the CBI's investigations, the police operations, the use of TADA, custodial torture, expropriation and destruction of property belonging to victim families, the role of the military and paramilitary forces, functioning of the lower judiciary and the role of doctors, as evinced by 513 case summaries.

The CCDP's database contains a total of 889 incident reports from Amritsar district alone. The remaining 376 incident-reports from Amritsar district, along with 814 from other districts in Punjab, will be presented in the second volume of the final report. The second volume will also contain a comprehensive analysis of the CCDP's entire database and its highlights.

According to our estimates, only 10 per cent of the survivors from the families that suffered enforced disappearances and arbitrary killings have, in any manner, come forward to give reports. That is also the ratio of people who approached the judiciary or other institutions for redress. This leaves about 90 per cent of the cases that have remained undocumented. This should be a cause for concern not only to human rights organizations but also to those members of the scholarly community interested in preserving history. The bulk of victim-testimonies, which we have collected, have come from people who are old and might not live very long. Most of them are poor and illiterate and do not understand the meaning of "evidence" or the point of recording it. Yet they are the repositories of that evidence, which, unless quickly collated, risks being lost altogether. It is perhaps a challenge for the members of human rights groups and others involved in recording contemporary history to take up.

We will close this note with a quote from George Mangakis, a professor of Penal Law at the University of Athens in 1969 when the military junta seized power in Greece. Dismissed from the university for "lacking in the spirit of conformity with the regime", he was later arrested on charges of terrorism. In his "Letter to Europeans" from his prison cell, Mangakis wrote: "...humiliated nations are inevitably led either to a lethal decadence, a moral and spiritual withering, or to a passion for revenge, which results in bloodshed and upheaval. A humiliated people either take their revenge or die a moral and spiritual death. Once you realize the inevitability of your people's destruction, one way or another, your personal humiliation is turned into a sense of responsibility."⁴

⁴ W. L. Webb & Rose Bell, Eds., *An Embarrassment of Tyrannies: 25 years of Index on Censorship*, George Braziller Publisher, New York, 1998, p. 31

CHAPTER FOUR



ANALYSIS OF CASE SUMMARIES

In this chapter, we analyze our case summaries, focusing on applicable law and the patterns and practices of human rights abuses. Our analyses focus on the following topics: The characteristics of the Central Bureau of Investigation (CBI's) actual investigation, abuse of police powers, implications of the use of the Terrorist and Disruptive Activities (Prevention) Act (TADA) on the notion of criminality, custodial torture, role of the Indian armed forces, violations of property rights, complicity of the lower judiciary, and the issues of medico-legal ethics.

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The CBI's Three Lists of Illegal Cremations

The faults we found with the CBI's investigation are weighty; they go beyond mere technical problems and raise fundamental questions regarding the integrity of the institution's approach to this matter of illegal cremations. Some critical questions, prompted by a comparison of the Committee for Coordination on Disappearances in Punjab (CCDP's) data with the information contained in the CBI's lists, are:

- A large number of those cremated were clearly named by the Punjabi press. Why did the CBI fail to identify them?
- Families of many victims spoke with the CBI officials and also filed information at their office in Amritsar. Why did the CBI fail to use that information while compiling its lists of cremations?
- In many cases, the police handed the bodies to the families and the cremations were carried out at their villages without the police presence. Why did the CBI record these cremations as having been carried out by the police?
- Finally, did the CBI purposefully conceal the identities of some of the people it included on its third list of unidentified cremations?

This note will first present the basic information on the classification of cremations in to three lists and will then discuss some of the technical, procedural and moral problems that arise from an examination of the CBI's lists.

Details of the Lists

According to the CBI, cremation of 2,098 bodies under three police stations of the Amritsar district, namely Taran Taran, Amritsar and Majitha, could be classified into three lists: 582 cremation of identified bodies, 278 of partially identified and 1,238 unidentified cremations. Though the National Human Rights Commission (NHRC) and the Supreme Court orders show a slight variation in the numbers we use these numbers because they represent the current status of the CBI's lists.

The lists reveal irregular gaps in time between police cremations which, in the absence of any explanation, are incomprehensible.

The **list of 582 identified bodies** under Tarn Taran police district starts with two cremations carried out by Verowal and Patti police stations on 6 July 1984 and 21 July 1984. The third cremation on the list, with a gap of two years and 10 months, is dated 10 May 1987. There are a total of five cremations in the year 1987; one in May, another in July and two in October. The first cremation in 1988, under Tarn Taran police district, is dated 29 February 1988 and the list shows a total of 23

cremations in that year. The cremations for other years are: 33 in 1989; 43 in 1990; 48 in 1991; 124 in 1992; 53 in 1993 and one in 1994.

Under Amritsar police district, the identified list shows the first cremation on 18 April 1988. The second cremation is dated 2 June 1988. The third cremation under Amritsar police district, with a gap of more than 10 months, is dated 28 April 1989 and the list shows a total of four cremations in that year. The two cremations in 1990 are dated 30 August and show a gap of more than one year against the preceding cremation on the list dated 7 July 1989. The cremations for other years are: 23 in 1991; 37 in 1992 and two in 1993.

The first cremation on the list under Majitha police district is dated 3 October 1987. The second cremation is dated 24 October 1987 and the third cremation, with a gap of more than eight months, is dated 8 July 1989. The list shows a total of 13 cremations in 1989. For 1990, the list shows only four cremations; the first one on 28 February, the second on 22 March, the third, with a gap of six months, on 27 September and the fourth on 11 December 1990. The cremations for other years are: 38 in 1991; 98 in 1992; 24 in 1993 and one in 1994.

The **list of 278 partially identified bodies** under Tarn Taran shows only one cremation in 1984 dated 07 August. The second cremation, with a gap of two-and-a-half years, is dated 7 February 1987 and there are a total of five cremations in 1987; one in February, another in March, two in May and one in December. The first cremation in 1988, with a gap of more than seven months, is dated 25 July 1988, and there are a total of three cremations that year. The cremations for other years are: three in 1989; 14 in 1990; 33 in 1991; 49 in 1992; eight in 1993 and one in 1994.

Under Amritsar police district, the list shows three cremations in 1984, two of them on the 11 August and one on the 12 August, carried out by Sadar police station. The next cremation on the list was carried out on 18 September 1987. The list shows two cremations in 1987, both carried out by C-Division police station on 18 September and 5 October. The list then jumps to 26 March 1988, leaving a gap of more than five-and-a-half months, and there are a total of 10 cremations in that year. The cremations for other years are: three in 1989; three in 1990; 17 in 1991; 21 in 1992 and two in 1993.

Under Majitha police district, the first two cremations are dated 8 October 1987, carried out by Beas police station. The next two cremations on the list, with a gap of five-and-a-half months, are dated 24 March 1988. Yet another cremation in 1988, with its total of three, is dated 3 May 1988. The first cremation in 1989, with a gap of more than nine months took place on February 16 followed by 14 cremations later in the year. The number of cremations that took place in other years are: five in 1990; 22 in 1991; 42 in 1992 and 12 in 1993.

The first cremation on the **unidentified list of 1,238 cremations** under Tarn Taran police district is dated 8 October 1984, and is, carried out by Bhikhiwind police station. The second cremation, with a gap of nearly two years and nine months, is dated 1 July 1987. The list shows a total of 10 cremations in 1987 under Tarn Taran police district. The cremations for other years are: 18 in 1988; 52 in 1989; 102 in 1990; 209 in 1991; 188 in 1992; 59 in 1993 and four in 1994.

Under Amritsar police district, the list shows a total of 22 cremations in 1984; 18 of them took place in June, the month in which the Indian army carried out the Operation Blue Star. Three of them, carried out by Kotwali 'E' Division police

station, are listed on the 2 June 1984; two, carried out by Chheharta police station, are on the 4 June 1984 and 12, carried out by Sadar police station, took place on 5 June 1984. One more cremation took place on 27 June 1984. Clearly, all these cremations are linked to the deaths that occurred in the course of the assault on the Golden Temple of Amritsar. The list also shows two cremations in August and one in November. With a gap of more than nine months, the list then shows two cremations on 16 and 19 August 1985, then again with a gap of nine months a cremation on 2 May 1986, and two more cremations carried out by Sadar police station on 25 May 1986. The cremations for other years are: 15 in 1987; 23 in 1988; six in 1989; 42 in 1990; 75 in 1991; 51 in 1992 and 12 in 1993.

Under Majitha police district, the list shows four cremations in 1984; the first, carried out by Jandiala police station on 5 June 1984, the second, carried out by Beas police station, on August 14, and two other cremations, by Lopoke police station, on 20 September 1984. The list then jumps to two cremations carried out by Kathunangal police station on 26 March 1986, with a gap of one-and-a-half years, and showing a total of five cremations in that year. The cremations in other years are: 33 in 1987; 19 in 1988; 43 in 1989; 59 in 1990; 81 in 1991; 70 in 1992 and 28 in 1993.

Illustrative Case

We will use the case of Manjinder Singh, included in the CBI's list of partially identified cremations, to raise some of the preliminary problems with the information contained in the lists.¹ Twenty-four-year-old Manjinder Singh, son of Thakar Singh and Gurnam Kaur, was a constable in the Punjab police and resident of Pakho Ke village. He was unmarried.

After completing his higher secondary school, Manjinder joined the Government Physical College at Patiala for a diploma in sports training. In school, Manjinder had excelled at volleyball and participated in competitive matches at the inter-state level. Due to his sports record, Manjinder was selected for the Punjab police while he was still completing his diploma at the Patiala college.

In 1992, Manjinder returned to his village on leave and did not report back to duty. He was under pressure from several relatives who had been threatened by the militants to make him give up the police service. He had also received indirect threats to quit the police department if he cared to protect his parents' safety. Manjinder decided not to endanger their lives and stayed away from the department. Soon, he began to receive letters from his department to report back to duty, but he ignored the letters.

On 28 or 29 April 1992 Manjinder went to Jandiala Guru town for some shopping and, in the market, he met Gurdev Singh, son of Harbans Singh, and Major Singh, son of Jagir Singh, both from his village. Their meeting was coincidental and they walked together to one Bira Singh's watch repair shop. The Jandiala Guru police, led by SHO Udham Singh, arrested Manjinder and his companions in the market while one of them was getting his watch fixed. The police blindfolded all of them and took them away in a police vehicle.

Manjinder's sister Gurnam Kaur was also in the market and, noticing the

¹ CCDP/01148, SI. No. 396/58

commotion, she found out that the police had abducted her brother and two others from her village. A large number of people had witnessed the abduction and, since Pakho ke was very close to Jandiala town, the news of the abduction soon reached Manjinder's parents.

Manjinder's brother Surjit Singh rushed to the Jandiala Guru police station and learnt that the police had taken all the three persons arrested by the SHO to Amritsar's Mall Mandi interrogation center. The family members tried to make inquiries at the Mall Mandi interrogation center but no responsible officer spoke to them. The Jandiala Guru police registered a case against Major Singh but they did not acknowledge the arrests of Manjinder and Gurdev.

On 7 May 1992, Manjinder's family members read a report in the newspaper *Ajit*, which announced his death in an encounter near village Dala Kalan. Another militant named Gurdev Singh Bhutoo was also reported killed. The encounter had allegedly occurred when the police took them for the recovery of weapons. The report quoted police officials as suggesting that some militants lying in ambush attacked the police vehicle and, in the ensuing exchange of fire, both Manjinder and Gurdev died. The police had already cremated the bodies at the Durgiana Mandir cremation ground on 6 May 1992. The families collected the ashes from the cremation ground.

The newspaper reports about the encounter clearly identified both Manjinder and Gurdev Singh and spoke about only two killings. The CBI's identified list shows the cremation of Gurdev Singh on 6 May 1992, whereas Manjinder's cremation figures in the CBI's second list of partially identified cremations. In this entry, the CBI gives the wrong name for Manjinder's father; his father's correct name is Thakar Singh. Also, surprisingly, the CBI's list of unidentified cremations, under Sl. No. 397/259 and 398/260, shows two additional cremations carried out by the Jandiala police on 6 May 1992 under the same first information report (FIR) No. 62/92. These entries suggest that either the police killed more than two persons in this alleged encounter or the police cremated two others not involved in the encounter under the same FIR.

Manjinder's elder brother Sharanjit Singh told the CCDP members that several CBI officers had visited his house to make inquiries after the Supreme Court ordered an investigation into the matter of secret cremations. According to Sharanjit, the officers recorded detailed statements from all of the families connected with this episode. Sharanjit also claimed to have seen a CBI inspector traveling with SHO Udham Singh, one of the accused in these abductions and killings. According to him, Udham Singh's gunmen talked to the shopkeepers in Jandiala town and told them not to admit to having witnessed the abductions.

This case highlights three of the issues that will be discussed below:

1. Incorrect names and addresses in the CBI's lists;
2. Failure of the CBI to further investigate the additional people cremated under the same FIR numbers; and
3. Questionable behavior of the CBI officials.

Failure to Properly Identify People

Being the premier investigative body of India, the CBI could easily have accessed

victim families, eye-witnesses, newspaper reports and police records for its investigation of the illegal cremations. Here are two simple examples of where the CBI could have used these resources to more fully identify people cremated by the police:

- The police killed both Dalbir Singh and his son Teja Singh in the same encounter. However, their names do not appear on the same list. The CBI recorded the father's cremation in the fully identified list under Sl. No. 2/57, but placed his son Teja Singh on the partially identified list under Sl. No. 8/56. Although newspaper reports about the encounter only identified Dalbir Singh, a simple interview with the surviving family members could easily have revealed all the necessary facts.
- Under Sl. No. 3/008 of the identified list, the CBI mentions 10 May 1987 as the day of cremation of Virsa Singh, killed in an encounter along with Mangal Singh and Satnam Singh. The newspaper reports clearly identified all three men. However, the CBI chose to place the cremations of Mangal Singh and Satnam Singh on the partially identified list, under Sl. Nos. 4/07 and 5/09. Also, contrary to the information carried in the newspaper reports, the CBI further incorrectly identified Mangal Singh's village.

In many cases, family members and newspapers reported that more people died in the same alleged encounter than included on the CBI's lists. Does this mean that the police cremated more than one person per pyre and the CBI, by relying entirely on the police records of the cremations, failed to capture this misdemeanor? Alternatively, does this mean that the police disposed of the other bodies through methods other than illegal cremation?

For example, the families fully identified the bodies of Mohinder Singh and his four colleagues before their cremation. The CBI lists Mohinder Singh and three of those killed with him on their identified list, (Sl. Nos. 66/160 to 68/162). None of the three lists, however, includes his fourth colleague, Dilbagh Singh's, cremation. It is not clear what happened to Dilbagh Singh's body.

The CBI's records on the cremations of Jouna Singh and Gurnam Singh, under Sl. Nos. 506/140 and 509/142 of its identified list, question how the CBI verified its facts. The CBI records two cremations on 27 September 1992 that of Jouna Singh, son of Dayal Singh, resident of Lakhantappa, and of Gurnam Singh, son of Swaran Singh, resident of Kala Bakra, carried out by ASI Ranjit Singh of Jandiala police. The CCDP members visited Lakhantappa and discovered that no one by the name of Jouna Singh had died or disappeared from that village during the period of the unrest in Punjab. The committee also discovered that there is no village called Kala Bakra, allegedly the residence of Gurnam Singh. It is not clear how the CBI justifies including these records on its identified list.

Contradictions or Discrepancies in Data

The CBI has presented its lists of cremations without reconciling some basic contradictions in its data. They have not shown, for example, how and why the cremations of persons killed separately was reported under the same FIR number, how and why cremations of persons killed together was mentioned under different FIR numbers, or what happened to the bodies of other persons reportedly killed in the same encounter but not included on the CBI lists.

The testimony of the family of a victim and the newspaper reports show that Sukhchain Singh and Mukhtiar Singh were killed together in an encounter under Valtoha police station. The CBI shows the cremation of Sukhchain Singh in its first list under Sl. No. 104/296. The cremation of Mukhtiar Singh, mentioned in the partially identified list, under Sl. No. 24/297, is shown to have been undertaken two weeks later by another police officer and police station. In fact, the FIR number of Mukhtiar Singh's cremation matches the FIR number of cremation of two others, Bagal Singh and Gurdeep Singh Mehra under Sl. Nos. 25/301 and 26/302. How do we reconcile these differences?

In a similar FIR muddle, the CBI list includes two cremations done by SHO Darshan Singh of Tarn Taran's Sadar police station on 9 May 1992 under FIR No. 34/92. (Sl. Nos. 177/676 and 178/677) Under that same FIR number, SHO Darshan Singh mentioned two more cremations two weeks later on 24 May 1992. (Sl. Nos. 179/680 and 180/681). Why were the cremations of all four persons mentioned under the same FIR number, by the same police officer, listed different dates?

These examples and the questions they generate require the CBI to explain how it conducted its investigations, what sources it relied on, and what methodology it used to investigate illegal cremations conducted by the police. The CBI must provide explanations for the discrepancies in its data. The summaries include references to many more such confusing examples.

Empty Records

The CCDP's data reveals three categories of cremations recorded by the CBI that could not have taken place: (1) Cremations duplicated on more than one list; (2) Cremations purportedly carried out by the police that were actually conducted by family members; and (3) Cremations recorded on dates when, according to the family sources, the victims were alive.

Duplicates

The CCDP's investigations revealed two major errors of duplication in the CBI's lists. The cremation of Niranjana Singh, s/o Boor Singh, r/o Behla, is included in the fully identified list under Sl. No. 121/392 as having occurred on 18 April 1991. The CCDP spoke to Balwinder Kaur, Niranjana Singh's widow, and learnt that he had actually been killed on 9 June 1992 when the security forces used him as a human shield to take out three militants who had taken shelter in an abandoned house at Behla. In fact, the CBI's partially identified list correctly shows Niranjana Singh's cremation on 9 June 1992 listed under Sl. No. 71/705. Thus, the cremation recorded under Sl. No. 121/392 of the CBI's identified list could not have been that of Niranjana Singh, son of Boor Singh, resident of Behla.

Niranjana Singh's example encapsulates the CBI's failure to use witness testimony and newspaper accounts to resolve cremations even in well known cases. Niranjana Singh had died along with six others used by the security forces as human shield to storm a militant hideout. The incident resulted in nine deaths. The CBI's partially identified list shows five cremations. Three cremations figure in the identified list. The cremation of Gurmej Singh, one of the six villagers forced to become a human shield and killed in the process, does not figure in any list.

The CBI also appears to have duplicated the record of Angrez Singh's cremation. The CBI has fully identified him under Sl. No. 392/78 as the son of Charan Singh and resident of Jalalabad. The CCDP visited Charan Singh and recorded his statement regarding the death of Angrez Singh. At no point did he mention another son named Amrik Singh. However, under Sl. No. 391/56, the CBI's partially identified list shows the cremation of Amrik Singh, son of Charan Singh, as having occurred on the same date and mentioned under the same FIR. If this record is not a duplication, then who was Amrik Singh, son of Charan Singh?

People Not Cremated by the Police

The CBI's identified and partially identified lists show at least 25 cremations that were actually carried out by the families. The case of Amrik Singh, son of Gurmej Singh Mahajan and resident of Ratoke, is one example that also shows how the CBI failed to conduct even a cursory examination of facts.² Amrik Singh, a mason by profession, was married to Joginder Kaur with two sons, Gurnam Singh and Nishan Singh. He focused on his work, commuting between his home and worksite on his bicycle. He reportedly had no political or militant connection and had never been arrested or interrogated prior to his killing.

On 9 August 1988 morning, Amrik Singh, as usual, left for his work-site in village Dasuwal where he was building a drainage system. Around 9 a.m., when Amrik and his colleagues had just started attending to their work, the Valtoha police, led by SI Mohinder Singh, got involved in an exchange of fire with a group of militants. The police chased the militants, firing at them. One of the bullets fired by the police hit Amrik Singh in his head and he died instantaneously. His family learnt about his killing around 11 a.m. when Valtoha police took Amrik's father Gurmej Singh down to the site to identify the body. The police officers expressed regret and admitted that they had killed an innocent man by mistake.

The next morning, after the post-mortem, the police handed the body over to the family members for the cremation, which was carried out in their village. However, the following day, the newspapers published a report, on the basis of a police hand-out, stating that the police had killed a militant in an encounter at Dasuwal village. Amrik's family members had neither the resources nor the necessary contacts to challenge the lie and, fearing further reprisals, they decided to keep quiet.

The CBI seems to have adopted the police version in its totality, without consulting other sources of information.

Families who Submitted Complaints to the CBI

In these cases, the families themselves filed complaints and provided the CBI with all information needed to identify their loved one's cremations. The CBI, however, failed to fully and properly identify these people in its lists. Why did the CBI fail to record the information personally provided to it? Was there a lack of communication between the different offices of the CBI?

After the police killed his son in a fake encounter, Gurmit Singh personally went to the CBI's temporary office in Amritsar to submit his complaint. CBI inspector P. C. Sharma also visited the family's home and recorded the statement of

² CCDP/01573, Sl. No. 22/52

Gurmit Singh's wife Narinder Kaur several times. Despite these efforts, the CBI included the cremation of their son on its unidentified list under Sl. No. 537/304.

Unidentified List

The CBI's competence becomes further questionable by a perusal of the cremations listed as unidentified. In many cases, the CBI easily could have referred to press reports, police records, testimony of family members and even information available in its own files to complete the identifications. Out of the cremations the CCDP has been able to identify from the CBI's unidentified list, six were those of police officers, one cremated person's father was a police officer who had resigned in protest against rampant human rights abuses within the department. In 10 cases, the press reports clearly identified the cremations, in five cases, the families filed complaints and information with the CBI officials, two were soldiers of the Indian Army and two others were prominent leaders of the community. More people could have been identified through autopsy reports seen by families, identification cards on bodies, and other such methods.

The CBI's failure to identify these cremations raises very basic questions about its integrity in investigating this matter.

Failures of this Procedure

In many cases, the CBI investigators actually visited the families to obtain testimonies and then chose to ignore them. The families were, thus, exposed to harassment of the local police.

Boota Singh was threatened with serious consequences if he pursued the extrajudicial execution of his son Baldev Singh, a soldier of the army, with the CBI.³ SHO Harbhajan Singh of Chherharta police station, who had abducted Baldev Singh, detained Boota Singh several times, offering him a "compromise". Boota Singh reported these incidents to the CBI officials who visited his house to make their inquiries. They assured him that he would be protected and promised to prosecute the guilty. On those assurances, the CBI officials took with them Baldev's identity card and other papers connected with the case, like copies of telegrams that Boota Singh had sent to Baldev's commanding officer. Boota Singh never heard from the CBI officials again.

Concluding Case Study

This note will conclude with the case of Udham Singh and his family's pursuit for justice from the CBI.⁴ Sixty-two-year-old Udham Singh, son of Gajjan Singh, was a respected farmer of Thathgarh village under Jhabal police station in Tarn Taran subdivision of Amritsar district. He was locally known as 'Akali' because of the contributions of his grandfather Kala Singh and uncle Arjan Singh to the Sikh religious reform movement in the 1920s that witnessed the birth of the Akali Dal and the formation of the Sikh Gurudwara Prabandhak Committee (SGPC) in 1925.

³ CCDP/01268, Sl. No. 479/127

⁴ CCDP/01293, Sl. No. 313/50

Udham Singh was married to Gurmej Kaur and had five children, three daughters and two sons.

Udham Singh was deeply involved in Sikh religious affairs in his area and took part in the organization of important events of the Sikh religious calendar. Tarn Taran police had raided his house a number of times out of the suspicion that persons connected with the militant movement visited his house. The police had once detained Udham Singh and his sons, Heera Singh and Hazura Singh, for interrogation. They were later released.

On 1 July 1992, around 4 or 5 in the morning, a large group of Punjab police officers raided Udham Singh's house, entering it after scaling the walls. ASI Dilbagh Singh of Jhabal police station was one of the police officers. Police arrested Udham Singh and his son Hazura Singh and took them away to B. R. Model School interrogation center. Despite loud protest and repeated questioning by Udham Singh's daughter Rajwant Kaur and Hazura Singh's wife Ranjit Kaur the police officers did not say where they were taking the arrested persons.

At the interrogation center, Udham Singh and Hazura Singh were locked up separately. Hazura Singh does not know what they did to his father. On 7 July 1992, the police released Hazura Singh from the interrogation center. The same day newspapers reported the killing of Udham Singh in an encounter that allegedly occurred the night between 5 and 6 July 1992. The police did not inform the family about the cremation.

In 1996, some CBI officers approached the family in connection with their investigation into the illegal cremations matter, as ordered by the Supreme Court. Although the CBI officers did not disclose the purpose of their inquiries, Heera Singh gave all of the details of the case. Around this time, Dilbagh Singh, one of the police officers from Jhabal responsible for Udham Singh's abduction on 1 July 1992, also approached the family and offered a large sum of money for a compromise on the matter. But the family declined the offer and threatened to report it to the CBI. At this, Dilbagh Singh went away with the words, "Alright! We will then pay the same money to the CBI officers."

Later, the family members came to know that the CBI had filed a closure report in the case. Heera Singh once visited the CBI's court at Patiala and met the officials responsible for the prosecution of the culpable Punjab police officials. They told him that the legal action was not possible as there was no evidence. They also took Heera Singh's signatures on some statements that were written in English and which he could not read. The family members suspected that the police officers responsible for Udham Singh's abduction and murder in a fake encounter bribed the CBI officers responsible for the investigation.

The CBI had presented its closure report in this case, No. R. C. 9(S)/97/SI.U-XVI/JMU, on 1 October 1999 before the CBI court in Patiala. The court, vide its order dated 16 February 2000, took the view that the investigating agency should make further efforts to identify the abductors of Udham Singh. The CBI then presented a supplementary closure report on 29 September 2000, which said that no fresh evidence was forthcoming and the case should therefore be closed.

The CBI's closure reports are a surprise since Hazura Singh had been abducted along with Udham Singh on 1 July 1992 morning. Hazura Singh was held at the B. R. Model School interrogation center till the July 7, the day after the Sadar police

carried out Udham Singh's cremation. The B. R. Model School Interrogation center, which operated under the direct authority of Amritsar's senior superintendent of police (SSP), was well known as a place where terrible atrocities were committed in the course of interrogating illegally detained persons before they were liquidated in fake encounters.

Police Powers

Testimonies of victim's families provide a depressing picture of the pervasiveness and extent of police power and abuse. Their stories show how innocence and guilt were mere technicalities during the police counter-insurgency operations. One could not predict what mundane daily activities would lead to indiscriminate abuses; there were no precautions one could take.

This note attempts to first state the legal principles on the procedure of search, arrest and custody, and then document their flagrant violations and the total powerlessness of the people in preventing them.

The following is a short summary of the legal principles, which were applicable when the abuses occurred. The Supreme Court has since further refined them in *D. K. Basu Vs. State of West Bengal*, which we shall examine later.⁵

Search

Section 100 (4), (5), (6), (7) and (8) of the Code of Criminal Procedure (CrPC), 1973, require that before making a search, the officer or other person must call on two or more independent and respectable inhabitants of the locality to attend and witness the search. If they express unwillingness, the officer may issue an order in writing to them to do so. Any person who refuses to attend and witness a search under this provision, shall be deemed to have committed an offence under section 187 of the Indian Penal Code (IPC). The search has to be made in their presence, and a list of all things seized has to be prepared. The occupant of the place searched, or some person on his behalf, shall be permitted to attend the search, and a copy of the list prepared, signed by the witnesses, shall be delivered to such occupant or person. All of these principles and their procedural elaborations have been explained in a number of landmark cases decided by the Supreme Court, originating in Punjab.⁶

Arrest

Under section 41(a) of the CrPC, a officer may arrest any one for a cognizable offence, even without an order from the magistrate or an arrest warrant, if there is a reasonable complaint, suspicion or information. According to a full bench decision of the Madhya Pradesh High Court, reasonable suspicion is the minimal

⁵ 1996 8 SC 581; 1997 1 JT 1 SC; 1997 1 RCF CRI 373

⁶ *State of Punjab V Balbir Singh* 1994 (3) SC C 299; *Radha Krishna V. State of Punjab*, AIR 1963 SC 822; *Soni Vs. State of Punjab*, 1980 SC 593; *Ajaib Singh V State*, AIR. 1953 SC 10; *Radha Bai V State of Gujrat*, AIR 1970 SC 1396.

requirement.⁷ The Law Commission of India, in its *One Hundred and Fifty-Second Report on Custodial Crimes*, explained “reasonableness” of arrest with reference to the *Wednesbury Principles* discussed in two House of Lords judgments in Britain. According to these principles, a person on whom discretion is conferred by the statute, must [a] Exercise it in good faith for furtherance of the object of the statute; [2] Must not proceed upon a misconstruction of the statute; [c] Must take into account matters relevant for exercise of the discretion; and [d] Must not be influenced by irrelevant matters.⁸

The Supreme Court of India further explained that the discretion of arrest has to be exercised to balance individual rights against social need. The Court referred to the third report of the National Police Commission and Canada’s Royal Commission on Criminal Procedure to suggest that in normal circumstances, the police should use what is called “appearance notice” to obtain attendance of a suspect at a police station without exercising the power of arrest. The Supreme Court pointed out that arrest cannot be made merely because it is lawful to do so. The police must also be able to justify an arrest on reasonable grounds. The Court also held that: [1] The police must intimate a friend or a relative about the arrest and the place of detention; [2] Inform the arrested person about his rights in law; [3] Make the necessary entries in the diary about the arrest, also showing the person intimidated. The Supreme Court held that these obligations were part of requirements under Articles 21 and 22 of the Constitution and it was the duty of the magistrate having proper jurisdiction to ensure that police comply with these requirements.⁹

According to Article 21: “No person shall be deprived of his life or personal liberty except according to the procedure established by law.” Article 22 (1) and (2) of the Constitution stipulate that: [1] “No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds of such arrest, nor shall he be denied the right to consult, and to be defended by a legal practitioner of his choice;” and [2] “Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of 24-hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.”

The right to be informed about the ground of arrest is categorically affirmed also under section 50(1) of the CrPC, stating: “Every police officer, or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.” When the arrest is under a warrant, as given in sections 70 to 74 of the CrPC, the officer must notify the person about the substance of the warrant and also show it to him. That is the stipulation under section 75 of the CrPC. Under section 57 of the CrPC, “no police officer shall detain in custody a person arrested without warrant” for a period longer than “24 hours exclusive of the time necessary for the journey from the place of arrest to the magistrate’s court”.

⁷ *Gulabchand Kannolal Vs. State of M.P.*, 1982 M.P.L.J 7, 17 F.B.

⁸ Law Commission of India, *One Hundred and Fifty-Second Report on Custodial Crimes*, 1994, Chapter 5, 5:6; *Holgate Mohd. Vs. Duke*, 1984 1 All. E. R. 1054, 1059, 1060 H. L.; *Associated Provincial Picture Houses Ltd. Vs. Wednesbury Corporation*, 1947 2 All E. R. 680 C. A.

⁹ *Joginder Kumar Vs. State of Uttar Pradesh*, 1994, 3 J. T. SC 423.

Recognizing the essential connection between Article 22(1) and (2), the Supreme Court has, in several judgments, strengthened their mandate by elaborating the necessary measures to prevent custodial abuse. The right to consult a lawyer aims to: [a] Secure immediate release if an arrest is illegal; [b] To avail bail if the circumstances so permit or warrant; [c] To prepare for defence; and [d] To ensure that no illegality occurs in the course of police custody. In the *Sheela Barse* case, the Supreme Court laid down the following guidelines, especially for female detainees: [1] Female suspects are to be detained in lock ups selected in good localities and guarded by female constables; [2] Female suspects are not to be held in lock-ups that house male suspects; [3] Their interrogation should be carried out in the presence of female police officers; [4] The police must intimate the arrest to a relative and friend and also the nearest legal aid committee; [5] The magistrate before whom an arrested person is produced must ascertain if there is any complaint of custodial torture or maltreatment.¹⁰

Under section 54 of the CrPC, “When a person who is arrested, whether on a charge or otherwise” asks for a medical examination of his body to establish the commission of any offence against his body, “the magistrate shall, if requested by the arrested person to do so, direct the examination of the body of such person by a registered medical practitioner unless the magistrate considers that the request is made for the purpose of vexation or delay or for defeating the ends of justice”.

Interrogation

According to Article 20(3) of the Constitution, no person accused of any offence shall be compelled to be a witness against himself. This principle and its implications have been elaborated in a number of Supreme Court cases. *Nandini Sathpathy Vs P. L. Dani*, explains that the principle protects against both self incriminatory and compelled testimony.¹¹ In other cases about the implementation of this principle, the Supreme Court has affirmed that section 161 (2) of the CrPC is a parliamentary gloss on Article 20(3) and the words “to be a witness against himself” provide protection beyond the judicial process to encompass the giving of any incriminating evidence or information during police interrogation.¹² These judgments of the Supreme Court uphold the right of persons, who are not yet formally charged, to remain silent during custodial interrogation.

Section 162 (1) of the CrPC makes statements made by any person to a police office in the course of an investigation inadmissible at any inquiry or trial. Section 163 of the CrPC stipulates that “no police officer or other person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise” to exact a confession. Section 24 of the Evidence Act says that “a confession made by an accused person is irrelevant in a criminal proceeding, if the making of

¹⁰ *Gopalan Vs. State of Madras*, 1050 SCR 88; *Hansmukh Vs. State of Gujrat*, AIR 1981 SC 28; *State of Madhya Pradesh Vs. Shobhram*, AIR 1968 SC 1910, 1917; *Khatri Vs. State of Bihar*, AIR 1981 SC 928; 1981 Cr. LJ 470; *Sheela Barse Vs. State of Maharashtra*, AIR 1983 SC 378.

¹¹ AIR 1978 SC 1025.

¹² *Mahabir Mandal V. State of Bihar*, AIR 1972 SC 1331; *Pakala Narayanswamy Vs. Emperor*, AIR 1939 P. C. 47; *Kathi Kalu Oghad Vs. State of Bombay*, AIR 1961 SC 1808; *Raja Narayan Lal Bansilal Vs. Maneck Phiroze Mistry*, AIR 1961 SC 29.

the confession appears to the court to have been caused by any inducement, threat or promise.”

Section 220 of the IPC mandates punishment of imprisonment up to seven years to any person with “legal authority to commit persons for trial or to confinement” who “corruptly or maliciously confines any person, knowing that in doing so he is acting contrary to law.”

Section 348 provides for three years of imprisonment to “whoever wrongfully confines any person for the purpose of extorting “confession or any information which may lead to the detection of an offence or misconduct”. Criminal intimidation is, under 503 and 506 of the CrPC, punishable with two years of imprisonment.

This is the law that controls the police powers to search, arrest, detain and interrogate suspects. This note will now show the systematic abuse of the police powers in Punjab and the total powerlessness of the people in preventing it.

Illustrative Case

Twenty-two-year-old Baljinder Singh, alias Balli, resident of Saido Lahil village, was employed by a company called Nijjher Agro Food.¹³ He was a matriculate.

Baljinder’s work involved interactions with farmers about the precautions to be taken while using insecticides on vegetable crops. The company had given him a scooter to travel. Baljinder Singh used to go to work daily on the company scooter.

On 2 August 1991, Baljinder Singh and the personal security officer attached to his company’s owner, a Punjab police constable, were going on his scooter to a village for work. Unknown to him, a militant leader, Manohar Singh, was also driving a scooter in front of him. When identified at a police checkpost, Manohar Singh committed suicide by consuming cyanide. The police officials, out of suspicion, arrested Baljinder Singh and his companion when they came driving up to the checkpost soon after Manohar Singh died.

Many who witnessed their arrest became agitated. Soon, there was a huge crowd outside Jandiala Guru police station demanding the release of Baljinder Singh and his companion. When the police did not respond, the crowd decided to block the highway, the Grand Trunk road connecting Amritsar and Delhi. A number of Baljinder’s family members also joined the agitation. The police used force to disperse the crowd and, after a lathi-charge, opened fire. The firing killed three persons and injured many more. Baljinder’s cousin Darshan Kaur, who was married to a man from village Gehri Mandi, was also injured.

Later, the police implicated both Baljinder Singh and his companion Jagtar Singh in a case under TADA. Both were jailed for eight months, and then the court released them on bail. Soon after his release on bail, on 10 October 1992, Baljinder married Karamjit Kaur and later had a son.

On 10 November 1992, exactly a month after their marriage, a large police force of approximately 50 men, led by deputy superintendent of police (DSP) Gurmeet Singh of Tarn Taran, raided the farm house owned by Baljinder’s father, Jarnail Singh. The raid took place between 8 and 9 p.m. Baljinder Singh was also at

¹³ CCDP/01216, Sl. No. 253/910

home. DSP Gurmeet Singh said that he needed to take Baljinder along to identify some militants whom they had arrested. The DSP promised to release him the next morning. Before taking Baljinder with him, he asked his father to prepare some food for all the policemen who, according to him, had been on duty the whole day and were hungry. Cooking for so many took some hours, and then after they ate, the DSP and his policemen left with Baljinder Singh.

DSP Gurmeet Singh had not disclosed where they planned to take Baljinder to identify the arrested militants. The next morning, the family members and other eminent persons of the village first went to Mattewal police station. Not finding Baljinder there, they went to Mall Mandi interrogation center and then to B. R. Model School interrogation center in Amritsar. But Baljinder was not found in any of these places. They then went to the office of SSP Paramjit Singh Gill and managed to meet him. The SSP said that Amritsar police were not involved in the arrest and Baljinder was not in his custody.

On 13 November 1992, Jarnail Singh, accompanied by several members of the village council, went to Tarn Taran and there they found out that the police had arrested some persons and brought them back to Tarn Taran. Jarnail Singh recognized some of the policemen who had eaten at his farm house before taking his son away. He was convinced that the police were detaining Baljinder at Tarn Taran.

Jarnail Singh then contacted Ajit Singh Bains, former judge of the Punjab and Haryana High Court, who was then heading the Punjab Human Rights Organization. Bains issued a statement demanding the release of Baljinder Singh from his illegal custody. Several newspapers carried the statement on 13 November 1992.

On 15 November 1992, Baljinder Singh, Rajinder Singh and Raghubir Singh were declared killed in an encounter that supposedly happened near village Sehbazpur between a group of militants and Tarn Taran police. Director-general of Punjab police, K.P.S. Gill accompanied by the SSPs of Amritsar, Tarn Taran and Majitha police districts and the deputy-inspector-general (DIG) of the Border Range, D. R. Bhatti, addressed a press conference claiming that early that morning at 4:30 a.m., DSP Gurmeet Singh of Tarn Taran police killed three militants in an encounter at a police checkpost set up near village Sehbazpur. The DGP further said that the three militants were in a Canter and had been signaled to stop. The police already had information that the militants had stolen the vehicle from the Tarn Taran bypass and were heading that way. The police force retaliated when the militants opened fire, and in the resulting exchange, killed the three militants. They were identified as: [1] Rajinder Singh, alias Amolak Singh, r/o Rumana Chakk, under Police Station Mehta; [2] Rajbir Singh alias Raju, r/o Dhamana and Baljinder Singh, r/o Saido Lahil. The DGP blamed these terrorists for hundreds of murders, including the relatives of Master Jagir Singh, transport minister in the Punjab government. The DGP also claimed to have recovered a large number of sophisticated weapons from the vehicle: 10 AK-47 rifles, one AK-74 rifle, 17 plastic bombs, 30 detonators, 25 magazines and 925 cartridges.

On 16 November 1992, all the newspapers prominently reported the DGP's press conference.

This case provides an introductory glance at the extent and type of abuses committed by the Punjab police. In this example alone, the police did not provide the family with any information on who they were and where they were taking Baljinder.

Further, they had no qualms fabricating a story for the press, despite the eyewitnesses to Baljinder's abduction. Last, they arbitrarily deprived Baljinder of his right to life.

The above discussion shows that not only did the police fail to use the procedure of arrest correctly, they also did not follow the measures necessary to prevent custodial abuse. The police did not display identification; they did not record the arrest, with an eyewitness attesting to it; they did not inform the person about the ground for arrest. They did not give the detainee a medical examination and they failed to send all documents to the magistrate.

This note will now focus on the following issues for discussion:

- Police response to family requests for information regarding abductees;
- Police extortion;
- Methods of constructing encounters;
- Punjab police's traveling outside of their jurisdiction; and
- Obstruction of justice by the Punjab police.

Failure to Inform Victim Families

In the majority of our cases, the police took their victims into custody in the presence of others. However, they did not disclose any information about themselves or their plans for the victims. When families and their sympathizers went searching for information at different police stations, police officials often callously prevented them from entering police stations and did not give any information about whether or not the arrested persons were in their custody. Many times, they never informed the families if their loved ones were alive or dead.

When families did get to meet with police officials and question them regarding the status of their loved ones, police officials mostly denied custody and used tactics that kept them running from one place to another, hoping to locate their loved one. Families would often receive vague assurances that the police would release the victims after interrogation.

Sukhwinder Singh was arrested from his house early morning on 3 November 1992 by ASI Raj Kumar, in-charge, Manochahal police post. He was arrested in the presence of his family members and other residents of the village.¹⁴ Early next morning, the family members and village elders went to Manochahal police station. The SHO told them that Sukhwinder was still required for interrogation, but he assured them they would release him soon. The family and village elders kept visiting the police station for the next two days and only to receive the same response.

On the third day, the SHO changed his approach. He now denied having arrested Sukhwinder Singh and maintained that Sukhwinder was not in his custody. The village elders got agitated, maintaining that they themselves had seen Sukhwinder in his custody. SHO Kumar ordered them to leave the station.

The next day, the family and village delegation went to meet DSP Ashok Kumar and SHO J. Siddhu of Jhabal police station. When the DSP asked them to wait one

¹⁴ CCDP/01444, SI. No. 249/899).

more day, the delegation assumed he was promising to release Sukhwinder. The next day, however, newspapers reported the death of an unidentified militant. A constable informed the family that Sukhwinder was the unidentified militant referred to in the report.

Police officers often went beyond blatant denials or vague comments and actually physically detained people who came for information about detainees. Gurdev Singh's family members, accompanied by the head of the village council and other elders, had gone to Tarn Taran's Sadar police station to look for Gurdev Singh and his brothers.¹⁵ The SHO accused them of helping militants and ordered them to be locked up. Only after a senior Akali leader Major Sing Uboke intervened many hours later did the SHO release them.

To ward off inquiries, officers often lied. After reading reports about a press conference featuring his son's confession, Bahal Singh rushed to the B.R. Model School interrogation center.¹⁶ On reaching there, he saw his son Nishan Singh, blindfolded with his hands tied behind his back, was being taken out of the station in a police vehicle. Panicking that the police were going to murder him, Bahal Singh started screaming. The policemen escorting Nishan Singh told him they were taking Nishan to be produced before a magistrate. They asked Bahal Singh to also come to the court. Bahal Singh waited at the designated court all day, but the police did not produce his son. He returned to the police station and there, at the gate, started crying. A constable took pity on him and later escorted him to Nishan Singh, who lay inside a cell unable to move from police torture. Eventually, the police killed Nishan Singh in a fake encounter.

Police Extortion

The police extorted money from families in return for promises of ensuring the safety of their loved ones. Often, the families could not pay large sums demanded by the police officers, even after selling their property and belongings. Other times, even after receiving ransoms, the police killed the detainees.

The case of Manjit Singh, included in the CBI's third list of unidentified cremations, illustrates the police use of extortion. It also gives his father's inside account of police abuses, which forced him to resign from the police service.¹⁷

Twenty-seven-year-old Manjit Singh alias Billa, son of Iqbal Singh and Sukhjinder Kaur, was a young farmer from village Nangali. Manjit had spent some years in Germany and had returned home to help his father with his agricultural work. He was unmarried.

Manjit's father Iqbal Singh had joined the Punjab police as a constable in 1959 and, after serving the force for 31 years, had taken voluntary retirement in 1990. In this period, he had been posted in several districts of Punjab including Hoshiarpur, Gurdaspur and Amritsar. Iqbal Singh took early retirement primarily because he could not tolerate custodial atrocities his superiors and fellow policemen committed on common Sikhs and their use of their powers to extort money by taking

¹⁵ CCDP/01580, Sl. No. 33/76

¹⁶ CCDP/00461, Sl. No. 88/6

¹⁷ CCDP/00126, Sl. No. 194/267

innocent persons into illegal custody and forcing their relatives either to pay or to risk their arbitrary execution. He was particularly appalled by the crimes routinely committed by his fellow policemen when he was posted at Amritsar's joint interrogation center in the period from 1981 to 1983. According to Iqbal Singh, unscrupulous elements within the police force used the situation of violent unrest in Punjab to not only make money but also to obtain speedy promotions by killing innocent persons and labeling them as terrorists. Iqbal Singh had worked directly under SHO Ajaib Singh of Amritsar's Sadar police station who had joined the police force as a constable but rose to become a DSP. According to Iqbal Singh, the majority of lower officials committed atrocities on illegally detained persons on instructions from their superiors. However, there were several officials who tortured and killed their captives to impress their superiors about their anti-insurgency zeal and to obtain promotions and perks on that basis. SHO Ajaib Singh of Amritsar's Sadar police station was one such officer, Iqbal Singh felt.

For these reasons, Iqbal Singh took early retirement. His eldest son, whose name we shall not reveal, had already joined the Punjab police and is still serving the force in a sensitive position. His younger son Manjit Singh went to Germany for some years, but then came back to help his father with the agricultural work as his health had begun to deteriorate.

Early morning on 24 February 1992, a large police force from Amritsar's Sadar police station along with Central Reserve Police Force (CRPF) personnel raided Iqbal Singh's house and took Manjit away to Sadar police station for an interrogation. The arrest, led by ASI Santokh Singh and head constable Gurbachan Singh, was witnessed by many in the village.

The same afternoon, Iqbal Singh, along with his sympathizers, met SHO Ajaib Singh who spoke to him in a very friendly way and assured him not to worry about his son. He also allowed him to meet Manjit in the police lock-up and give him food. Five days later, SHO Ajaib Singh told Iqbal Singh that he had to pay Rs. 500,000 to get his son released from the police custody. Taken aback by the demand, Iqbal Singh reminded the SHO of the time they had spent together working for the police force. He also told the SHO that his son was innocent and he was not in a position to raise half a million rupees. The SHO said that his superiors would not release anyone without collecting money and it did not matter whether or not his son was innocent. Iqbal Singh promised to collect as much money as possible within the shortest possible period of time to get his son released.

Iqbal Singh also sent telegrams to several senior police officials and other government functionaries informing them about the illegal arrest of his son. He met the SSP of Amritsar and the DIG of the Range to demand that his son be either released from illegal custody or produced before a court. He, however, did not inform them about SHO Ajaib Singh's demand for half a million rupees from the fear that the SHO might harm his son. His meetings with the senior officials had no impact on rescuing his son from the illegal police custody.

Iqbal Singh raised approximately Rs. 200,000 within 20 days after his son's arrest and offered the amount to SHO Ajaib Singh who rudely told him that he was too late and that he should forget about his younger son. The SHO warned him not to talk about the episode to anyone if he cared for the safety of other members of his family.

Iqbal Singh was not even able to know how his son had been killed and his body disposed. Iqbal Singh did not initiate any legal action from the fear that Ajaib Singh and his superiors involved in abducting and disappearing his younger son might also eliminate his elder son who was working for the Punjab police.

Methods of Constructing Encounters

The section of case summaries highlights different ways the Punjab police “constructed” their fake encounters. Many examples show that the persons killed in the same encounters did not know each other. Nor were they abducted at the same time. Numerous examples also show that the police shot and killed young men without warning, despite no sign of danger; they shot people at public places like bus stands and in broad daylight.

The following example shows that even when the police admitted to families that they had killed someone by mistake, they still reported the death as an encounter killing. On 24 July 1989, a hot sultry day, Ratan Singh was returning home in the evening around 6:30 p.m., after supervising the construction of a sitting platform in his village.¹⁸ This was a part of his job as a member of the village council. By coincidence that evening, a joint force of the Punjab police and the CRPF, engaged in a chase and hunt operation on the trail of some militants, was approaching Kallah village from the side of Ratan Singh’s fields and his house. As Ratan Singh walked down to his house, the security personnel started firing mistaking him for a militant. Ratan Singh was already inside the courtyard of his house and his family members were coming out to welcome him in when a bullet went through his chest and he collapsed on the spot. Ratan Singh’s family did not know what was happening and assuming, in their state of panic, that intruders were breaking into the house, they ran out in the direction of their fields. The security personnel stopped firing and, announcing themselves, asked the family members to come back. Then they conducted a search and found Ratan Singh’s body. The Punjab police and the CRPF personnel loaded the body into their vehicle and went away. It was already dark and the family members could not do anything. The next day, when his family members and villagers confronted the police officials at Tarn Taran’s Sadar police station, they admitted their mistake. However, they still reported his death as an encounter killing.

In other cases, the police killed people while they were watering their fields, relieving themselves, or doing their daily chores. The police killed these people without warning and without trying to ascertain whether they presented any danger.¹⁹

On 22 May 1992, around 1:30 p.m., 20-year-old Harvinderjit Singh Gill and his friend Mandeep Singh went to the Sikh Gurdwara Prabandhak Committee (SGPC’s) office within the Golden Temple complex in Amritsar.²⁰ Both of them were carrying their student identity cards and Harvinderjit Singh had, in addition, his educational concessions entitlement card No. 7624, issued to children of ex-servicemen. After meeting some SGPC functionaries in their office, Harvinderjit and Mandeep

¹⁸ CCDDP/01517, SI. No. 42/110

¹⁹ CCDDP/01589, SI. No. 43/113; CCDDP/01593, SI. No. 45/115; CCDDP/01494, SI. No. 64/158; CCDDP/01679 and 01680, SI. Nos. 86/258 to 88/260; CCDDP/013769, SI. No. 147/582

²⁰ CCDDP/01135, SI. Nos. 293/44 to 294/45

left the Golden Temple complex. DSP Rattan Lal Monga, who was in plainclothes, caught Harvinderjit by his arm and asked him to get himself frisked. Harvinderjit did not know it was an officer in plainclothes who grabbed him, and he protested loudly about this rude behavior. The altercation led to a physical scuffle and both of them fell to the ground. Harvinderjit still did not know that the man he was quarrelling with was a Punjab police officer when DSP Monga ordered his subordinates to shoot him. Harvinderjit was shot and he collapsed dead on the road. Mandeep Singh, who had been trying to intervene to end the quarrel, was shocked to see his friend shot and lying on the road in a pool of blood. A confused and perplexed Mandeep ran into a tea shop to save himself, but DSP Monga came after him, had him dragged out and shot. Mandeep Singh also died on the spot. Amritsar's Sadar police station registered FIR No. 36 to claim the incident as an encounter.

The police often abducted suspects from their homes, their fields, their places of work, at police checkposts, and other such places. After cordoning villages, police often made all male members of the village assemble in open areas or in front of a gurudwara. Many were then taken away and subsequently killed in fake encounters.

The police cremated majority of persons they killed. In some cases, they informed the family members of these cremations. Many family members managed to attend the cremations because they found out about their relative's death through newspaper reports or rumors, and rushed to the cremation site. Often, the police prevented families from attending the cremations, sometimes threatening to use force.

In several cases, families insisted that their relatives were still alive in police custody while the police officials claimed to have killed them in encounters. Harjit Singh's case is an example. The case also shows how the Punjab police thwarted a *habeas corpus* process.

Twenty-two-year-old Harjit Singh, son of Kashmir Singh, was from village Butter Kalan.²¹ Harjit was a scooter mechanic, but later joined the Punjab State Electricity Board as a casual worker. Since there was violent unrest in Punjab at that time, his father decided to send him to a relative, Joginder Singh, in Karnataka, a state in the south of India, far away from Punjab. Harjit found work there at the Kauda Sai Dam project. He came back to Punjab in April 1992 after the elections when the Congress party formed its state government under the chief ministership of Beant Singh. After reaching Punjab, Harjit Singh heard from his relatives that his family was staying away from their village home at Butter Kalan because of threats they had been receiving from unidentified armed men. Harjit's relatives also advised him not to go to his village. However, after staying with some relatives at Jattan village for some time, Harjit Singh decided to go back to his village and to figure things out for himself.

On 29 April 1992 morning, Harjit started for his home village by a bus. On the way, near village Thathian, the police had set up a checkpost under ASI Ram Lubhaya, in-charge of the police post at Gagar Bhana. The bus was stopped at this checkpost around 11 a.m., and Harjit Singh was made to get down by ASI Ram Lubhaya, Daljit Singh, a former militant working for the police generally known as

²¹ CCDP/01173, Sl. No. 401/82

a 'Police Cat', constable Satbir Singh and several other policemen.

Kashmir Singh, an engineer, was at this time posted at Beas. He received the information about his son's arrest at Thathian around 2:30 p.m., and immediately reached the site of the incident, where the eyewitnesses confirmed the forcible abduction, but were unable to say where the police had taken his son. Kashmir Singh then went to Baba Bakala police post to register an FIR about his son's abduction. The police post in-charge refused to register the FIR but in his presence sent a message on the wireless to his superior that the father of the abducted person wanted to get an FIR registered.

Kashmir Singh searched for his son at various police stations and police posts in Amritsar district and also met senior police officials, including SSP Paramjit Singh Gill, IG D. R. Bhatti. He also met DSP Darshan Singh Mann three times, beseeching him to help. But none of them took any interest.

On 13 May 1992, Punjab newspapers carried a story about the killing of Harjit Singh in an alleged encounter between militants and the police. The press reports said that he had been killed along with Lakhwinder Singh, s/o Surjit Singh of Chack Jamal Khan and another unidentified militant. First, Kashmir Singh felt shattered, thinking that his son had been killed. Then he began to receive reports from reliable quarters that his son was being held at different police stations and interrogation centers. He made efforts and managed to personally see Harjit at Mehta Chowk police station and then at Mall Mandi Interrogation center. First, he hoped that the police might release him and met various officials to plead with them to release his son. Encountering callousness and disinterest, he moved the high court with a petition for a writ of *habeas corpus*, marked as writ petition no. 615/1992. Justice H. K. Sandhu issued a writ and appointed a warrant officer R. L. Bhatia to go with Kashmir Singh and look for Harjit Singh at Mall Mandi interrogation center. Warrant officer R. L. Bhatia, accompanied by Kashmir Singh, reached Mall Mandi Criminal Investigative Agency (CIA) interrogation center on 17 October 1992 and saw Harjit Singh inside. However, the warrant officer was not allowed to enter the building to get Harjit Singh. The police made him wait until the SP in-charge of the interrogation center, B. R. Sharma, arrived there. By then, the police officials managed to remove Harjit from the interrogation center through a back door. The warrant officer confirmed this sequence of events in his report to the high court dated 21 October 1992.

Kashmir Singh continued to receive reports of his son's illegal custody at various places. He saw him for the last time on 4 September 1992 in Kapurthala city.

The findings of the warrant officer appointed by the high court led to two more inquiries, conducted by the sessions judge of Chandigarh and later by the CBI. A case filed on the basis of their findings is still pending before the additional sessions judge at Patiala.

Amnesty International launched a campaign to demand a transparent inquiry, determination of facts and justice in this case. Kashmir Singh also sent petitions to the highest officials of the Indian state, including the chief minister and governor of Punjab, the Prime Minister and the Chief Justice of India. But these petitions have not had any perceptible impact on the process.

Traveling outside Punjab Boundaries

The following example shows how the Punjab police carried out abductions from other states in India. Twenty-eight-year-old Kewal Singh was a resident of village Fatehpur Badesha.²² After some years of schooling, he learnt to drive a truck and with his father's help, set up a transport business in Chanderpur, Maharashtra. His younger brother, Tarsem Singh, also joined him in the flourishing business. In 1990, Kewal Singh married Amarjit Kaur who came from Karumuwala village.

A family from Amarjit Kaur's native village of Karumuwala, which had migrated to Amravati in Maharashtra, was wanted by the Punjab police in connection with some terrorist crimes. In May 1993, Harike police arrested Amarjit Kaur's father Tega Singh and his son Satta. The police then, led by SHO Surinder Singh, also raided Kewal Singh's house at Fatehpur Badesha village and arrested his father Amrik Singh. The village elders tried to intervene, but were told that the police had to take the family to Chanderpur where Kewal Singh and his brother had set up their transport company.

The Harike police, along with Amrik Singh and Tega Singh, reached Chanderpur on 24 May 1993 morning and arrested Kewal Singh and his brother while they were going to work. The police officers also arrested Amarjit Kaur from Kewal Singh's house and began their journey back to Punjab.

Meanwhile, Kewal Singh's business colleagues at Chanderpur lodged a formal complaint with the police about his abduction. Near Nagpur, the Maharashtra police managed to intercept the vehicle in which the Punjab police officials, along with their prisoners, were traveling and detained them overnight in a police station. However, the senior Punjab police officials and their defenders in the Central government were able to secure their release and four days after starting on their mission, the group returned to Harike police station.

Kewal Singh's life ended with torture and a fake encounter on 2 June 1993.

The Use of TADA and the Notion of Criminality

Our data challenges the Punjab state's claims that the majority of the people on the CBI lists were criminals. In 100 of the 513 cases we personally investigated, the victim families disclosed criminal and preventative detention proceedings. Fifty-eight of the victims were charged under TADA and related provisions, two faced detention under the National Security Act, 10 were charged under the Arms Act alone, and 30 faced other criminal charges. Strikingly, the court acquitted or released on bail 86 of the 100 people. Out of the remaining 14 who were not released on bail or acquitted, 10 were killed in police custody after magistrates remanded them for further investigation.

The CCDP's compilation of data gives a disturbing picture of how police officers used TADA as an additional tool in their counter-insurgency armory. The majority of the cases show that the police illegally detained the victims, tortured them, and then implicated them under TADA or other criminal provisions. The data also

²² CCDP/01616, Sl. No. 312/1025

shows that the police often charged people with terrorist crimes if they did not fulfill officers' demands for money. Also, the majority of people released on bail or acquitted by the court suffered subsequent repeated detentions and torture by the police, leading to their ultimate disappearance or extra-judicial execution. Even the constitutional principle against double jeopardy and a finding by the designated court that an individual was "not likely to commit any offence on bail" could not save an individual from these repeated detentions. The police killed many of the victims within a year of their release from jail.

The case of Ram Singh provides a sober illustration of the use of TADA.²³

The police had repeatedly arrested 32-year-old Ram Singh, who was married and had five children, because they suspected him of sheltering and feeding militants. His father Gura Singh had also disappeared after DSP Paramjit Singh took him into custody in March 1990. In October 1990, DSP Paramjit Singh arrested Ram Singh and other men from his village and took them to the CIA Staff interrogation center at Tarn Taran. SSP Ajit Singh Sandhu and SP (Operations) Khubi Ram brutally tortured Ram Singh. Only after the torture did the police transfer Ram Singh to Jhabbal police station and register a case against him under the Arms Act and TADA. Ram Singh spent one year at the high security prison in Amritsar. On 28 December 1992, Jhabbal police obtained a production warrant for Ram Singh and brought him for interrogation to the station even before obtaining his remand to police custody. The police alleged that Ram Singh died in an encounter that evening around 6:30 p.m. near Dode village. The magistrate rubber-stamped his remand order after his actual death.

Custodial Torture

Article 1.1 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 defines torture as: "Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

Article 2 of the UN Convention against Torture (1984) obligates the state parties to the convention to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under their jurisdiction. The state may not invoke any exceptional circumstances whatsoever, whether a state of war or a threat of war, international political instability or any other public emergency, in order to justify the use of torture. An order from a superior officer or a public authority may not be used as a justification for torture, either.

²³ CCDP No. 00795, Sl. No. 276/959

India is a party to the UN Convention against Torture after its Union government, under I. K. Gujral's premiership, signed it on 14 October 1997.²⁴

The problem of custodial torture is not new to the Indian police establishment. In 1884, the Madras Presidency constituted the Torture Commission of India to investigate complaints that the police and revenue officials used custodial torture as a systematic tool to obtain confessions and recover land revenue from defaulters. The commission examined 519 complaints thoroughly and found that 79 complaints made against police officials and 198 complaints made against the revenue officials were true. The commission described the prevalent methods of torture in the following words: "Among the principal tortures in vogue in police cases we find the following: Twisting a rope tightly around the entire arm or leg so as to impede circulation; lifting up by the moustache; suspending by arms while tied behind the back; searing with hot iron; placing scratching insects such as the carpenter beetle, on the navel, scrotum and other sensitive parts; dipping in wells and rivers, till the party is half suffocated; squeezing the testicles; beating with sticks; prevention of sleep; nipping the flesh with pincers; putting pepper or red chilies in the eyes or introducing them in the private parts of men or women; these cruelties occasionally preserved until death sooner or later ensued."²⁵

The Torture Commission's report, published in 1855, concluded: "What wonder is it that the people are said to dread the police and to do all they can to avoid any connection with a police investigation? Deliberate association with the criminals in their gains, deliberately framing false charges against innocent persons on the ground of private spite or village faction, deliberate torture of suspected persons and other most flagrant abuses occur occasionally."²⁶

The report precipitated a fervent discussion in official circles of the British government in India, resulting in a number of amendments to the Police Act of 1861, the Indian Evidence Act and IPC that created elaborate procedural safeguards against custodial crimes, made custodial confessions inadmissible as evidence, and prescribed stringent punishment for custodial torture by law enforcement officials.²⁷ These amendments also led to the definition of "injury" under section 44 of the

²⁴ *The Hindu*, 15 October 1997, "India Accedes to the UN Convention on Torture", p. 13.

²⁵ Torture Commission Report, 1855, *Parliamentary Papers* 420 1855, National Archives, New Delhi; Dr. S. Krishnamurthy, Ph. D. IPS, *Human Rights and the Indian Police*, R. R. Publishers, Bangalore, 1994, pp. 35-6, 64.

²⁶ Torture Commission Report, *ibid*; Dr. S. Krishnamurthy, *ibid*, pp. 72-75.

²⁷ Sections 330 and 331 of the Indian Penal Code made custodial crimes punishable with imprisonment for seven to ten years. Section 330 says: "Whoever voluntarily causes hurt for the purpose of extorting from the sufferer or any person interested in the sufferer, any confession or any information which may lead, to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy and claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine." Section 331 says: "Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or any persons interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to 10 years, and shall also be liable to fine."

IPC, stating: “The word injury denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.” Section 166 of the IPC provides imprisonment for a term of one year and fine for any public servant who disobeys the directions of the law and causes injuries to any person by such disobedience. Section 348 of the IPC prescribes three years of imprisonment and fine to “whoever wrongfully confines any person for the purpose of extorting confession or any information which may lead to the detection of an offence or misconduct”.

Section 348 provides for punishment to a person who wrongfully confines any person for extorting any confession etc. It also provides for punishment for extortion committed to extract information leading to the detection of offence or misconduct.

We do not know whether these penal provisions against custodial torture had any impact on the practice of the police establishment under the British rule. However, the evidence compiled by various police commissions in the country, since Independence, including the report of the Third National Police Commission, repeatedly exposed widespread prevalence of the ‘third degree method’ during police investigations. The Mahajan Commission on Punjab police, constituted in 1961, indicted the police authorities in the state, especially its CIA, of systematically using torture against suspects in their custody.²⁸

On 26 August 1994, the Law Commission of India, headed by former Chief Justice of the Supreme Court K. N. Singh, submitted its 152nd Report on Custodial Crimes to the Prime Minister with the remark that “revolted by the increasing number of reports of custodial torture and deaths, the Law Commission had taken up the subject *sou motu* for an in-depth study”²⁹

The commission concluded that the anomalies and contradictions in the law of evidence, especially between sections 26 and 27 of the Evidence Act, have significantly contributed to the pervasiveness of custodial torture. Section 26 of the act holds that “no confession made by any person whilst in the custody of a police officer, unless it be made in the immediate presence of a magistrate, shall be proved as against such person.” The commission pointed out that the safeguard provided by this section against custodial torture was nullified by the exemption available under section 27 of the Evidence Act, stating: “Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as are related distinctly to the fact thereby discovered, may be proved.” Section 27 effectively made admissible discoveries based on confessional statements and the Law Commission of India recommended its repeal.³⁰

In constitutional terms, the protection against custodial torture is embedded in the fundamental guarantee to right to life under Article 21 of the Constitution.

In *Kharak Singh Vs. State of U. P.*,³¹ Justice Ayyangar of the Supreme Court of India quoted an American Supreme Court judge: “By the term life, as here used,

²⁸ Dr. S. Krishnamurthy, *Op. Cit.* p. 75.

²⁹ Law Commission of India, *One Hundred and Fifty Second Report on Custodial Crimes*, 1994, Chapter I. 1.2.

³⁰ *ibid*, Chapter 3, 3:29.

³¹ AIR 1963 Supreme Court 1295, para 15.

something more is meant than mere animal existence. The inhibition against its deprivation extends to all these limits and faculties by which life is enjoyed. The provision equally prohibits the mutilation of the body or amputation of an arm or leg or the putting out of an eye or the destruction of any other organ of the body through which the soul communicates with the outer world.”³² A large number of subsequent cases decided by the Supreme Court have reinforced the injunction against torture, as a part of the right to life. Torture, as an element of punishment in any form and for any reason, is unconstitutional.³³ Even physical restrictions in custody that amount to physical or mental infliction of pain are impermissible.³⁴ Physical and mental restraint of prisoners, which is not warranted by the punishment awarded by the court and not in excess of the requirements of discipline, amounts to human degradation and cannot be tolerated.³⁵

In a number of judgments, the Supreme Court has taken a strong stance against officials responsible for custodial torture. In 1932, while India was still a British colony, the Madras High Court ruled that no sanction for prosecution under section 197 of the CrPC was necessary when an officer of the state, who had the power to arrest and hold in custody persons suspected of offences, misused the power to torture him to obtain a confessional avowal.³⁶ In 1985, the Supreme Court of India ruled that in cases of custodial torture, where victims are left without any evidence except their own statements, the customary law of burden of proof has to change and courts are free to infer guilt against accused officials.³⁷ The judgment inspired the Law Commission of India to recommend the insertion of a new section in the Indian Evidence Act.³⁸ Although the recommendation has not resulted in the necessary amendment, the Supreme Court has upheld the principle in two other important cases. In a 1992 judgment, the Court ruled that “when the other evidence is convincing enough to establish that the deceased died because of injuries inflicted by the accused, the circumstances would only lead to an irresistible inference that the police personnel who caused his death must also have caused the disappearance of the body.”³⁹ In yet another case involving a person found dead with injuries on his body after the police had taken him into their custody, the Supreme Court held

³² Field J, in *Munn Vs. Illinois*, 1876 94 US 113 at p. 142.

³³ *Sheela Barse Vs. State of Maharashtra*, *Javed Vs. State of Maharashtra*, AIR 1983 SC 378; AIR 1985 SC 231

³⁴ *Inderjeet Vs. State of Uttar Pradesh*, AIR 1975 SC 1867.

³⁵ *Sunil Batra Vs. Delhi Administration*, AIR 1968 SC 1775; *Sita Ram Vs. State of Uttar Pradesh*, AIR 1979 SC 745; *Sunil Batra Vs. Delhi Administration*, AIR 1988 SC 1579, para 31, 42; *Javed Vs. State of Maharashtra*, AIR 1985 SC 231, para 4, *Sher Singh V. State of Punjab*, AIR 1983 SC 465, para 11.

³⁶ *Ganapathy Gounder Vs. Emperor*, AIR 1932 Mad. 214, 215: 33 Cri. LJ 557.

³⁷ *State of UP Vs. Ram Sagar Yadav*, AIR 1985 SC 416.

³⁸ Law Commission of India's 113th Report on "Injuries in Police Custody" recommended the insertion of the following section in the Evidence Act: 114B. (1) In a prosecution of a police officer for an offence constituted by an act alleged to have caused bodily injury to a person, if there is evidence that the injury was caused during a period when that person was in the custody of the police, the court may presume that the injury was caused by the police officer having custody of that person during that period. (2) The Court in deciding whether or not it should draw a presumption under sub-section (1) shall have recourse to all the relevant circumstances, including, in particular, (a) the period of custody, (b) any statement made by the victim as to how the injuries were received, being a statement admissible in evidence, and (c) evidence of any magistrate who might have recorded the victim's statement or attempted to record it."

³⁹ *Bhagwant Singh Vs. State of Punjab*, 1992, 3 SCC 249.

that the “burden was on the state to establish how the victim came to sustain the injuries resulting in his death.”⁴⁰

These are lofty principles. But, as we have already seen, their constitutional and judicial professions are diametrically contradicted on the plane of practice.

Our data reveals a systematic pattern and practice of torture inflicted on Punjabi civilians by the Punjab police, the Indian army, paramilitary, and the CRPF. Numerous human rights groups have also documented patterns and practices of torture by the Punjab police in the course of their counter-insurgency operations.⁴¹

In this note, we first discuss the Punjab police’s motivations to use torture against the victims of disappearances or extra-judicial executions. Then, we look at the use of torture against family members, addressing the use of torture for the purpose of obtaining information. Next, we highlight other experiences suggested by our case sample, such as those of women in police custody.

Victims of Disappearances or Extra-judicial Executions

The CCDP’s data shows that the Punjab police tortured the majority of victims who they later disappeared or killed, as well as their family members. The following motivations, among others, stand out: [1] Extortion of money; [2] Influences of local vendettas; [3] Suspicion of providing shelter to militants; [4] Suspicion of collaboration with militants because of the family and village connections; [5] Suspicion of sympathy for the militant cause; [6] Involvement with anti-establishment politics; and [7] Belonging to the order of initiated Sikhs, known as the Khalsa. As mentioned in the note on TADA, many people were also tortured in illegal custody prior to the formulation of criminal charges against them and after the court acquitted or released them on bail. Victims of disappearances and extra-judicial executions did not just experience torture immediately before their executions. Much of the torture occurred months or years prior to their eventual death, often leading to their fleeing their houses. Thus, the police tortured detainees for all of the purposes listed in the definition of the UN Convention against Torture (1984).

The examples below highlight the police use of torture against the primary victims of disappearance or extra-judicial execution.

Extortion

Twenty-year-old Gulshan Kumar was the eldest son of Chamal Lal and Seeta Rani. He attended school and also helped his parents hawk vegetables.⁴²

Late in the evening of 22 June 1993, around 10:30 p.m., a large police force, led by DSP Dilbagh Singh and SHO Gurbachan Singh Manochahal of Tarn Taran’s City police station, came to Chaman Lal’s house and ordered them to open the doors. On instructions from the DSP, the police rounded up all of the male

⁴⁰ *Nilabati Behara Vs. State of Orissa*, 1993 2 SEC 746.

⁴¹ Physicians for Human Rights (Denmark), *Eyes Wide Shut: Torture in Punjab Prevails* (1999); Human Rights Watch & Physicians for Human Rights, *Dead Silence: The Legacy of Abuses in Punjab* (1994); Amnesty Int’l, *India: Torture, Rape & Deaths in Custody* (1992); Amnesty Int’l, *India: Human Rights Violations in Punjab, Use and Abuse of the Law* (1991).

⁴² CCDP/01425, SI. No. 326/1050

members of the family present in the house and, calling them thieves, started thrashing them inside the house itself. Gulshan was especially targeted for rough treatment; the DSP and other officers repeatedly demanded that he confess to certain thefts and produce all stolen goods. Under torture, Gulshan started screaming. When a large number of neighbors approached the house to see what was happening, the police forced Gulshan, his brothers and his father into a police vehicle and took them to Tarn Taran's City police station. According to Chaman Lal, the police also tried to take his 18-year-old daughter Inderjit to the police station. However, the neighbors intervened and prevented them from doing so.

At the Tarn Taran City police station, SHO Gurbachan Singh Manochahal forced all of them to lie down with their faces to the floor and had them all thrashed. Police pulled apart Gulshan's legs at 180-degree angles. After his torture, Gulshan could not walk. For the next three days, the police continued to torture Chaman Lal's family in police custody. On June 26, the police released Chaman Lal and one of his sons after a large group of eminent persons from Tarn Taran visited the police station to intervene on their behalf. Bobby and Balwinder, Gulshan Kumar's brothers, were released on the June 28 and 30. But the police did not release Gulshan Kumar. The police officials said that they would release him after he recovered from the injuries on his body.

A week later, DSP Dilbagh Singh demanded Rs. 200,000 for Gulshan's release. Chaman Lal was not in a position to pay so much money and pleaded with the DSP to waive the ransom. The DSP told him that he had to raise the money if he cared to see his son alive. Chaman Lal then met SSP Ajit Singh Sandhu and apprised him of the demand made by DSP Dilbagh Singh for his son's release. The SSP refused to intervene and asked him to speak to the DSP himself. Chaman Lal met DSP Dilbagh Singh again and requested him to reduce the amount of money he was demanding. When the DSP refused to make any concession, Chaman Lal promised to try and raise the money. The DSP allowed Chaman Lal to visit his son in the police station and bring him food and a change of clothes.

But the police continued to torture Gulshan. During visits to the police station, Chaman Lal and Gulshan's brothers witnessed his situation becoming increasingly critical. The last time Chaman Lal saw his son in the custody of Tarn Taran City police was on 22 July 1993. Gulshan could not move his body. Chaman Lal tried to feed him with his own hands, but Gulshan could not swallow the food.

The story of Gulshan's eventual extra-judicial execution can be read in the section of case summaries. His experiences highlight some of the torture methods used by the police, and the police's use of torture to extract money from families. In many cases, families paid officers and succeeded in freeing their relatives from police torture, sometimes only temporarily.

Sheltering Militants

Dalbir Singh alias Balbir, was 30-years-old and lived at Patti Baaje Ki, in village Sohal under Jhabal police station. He was married and had a daughter.⁴³

Soon after the eruption of militancy, the police began to suspect that Dalbir

⁴³ CDDP/01403, Sl. No. 175/669

sheltered armed militants at his farmhouse. The Jhabal police frequently raided his house, and they arrested and interrogated him regularly under brutal torture. The village elders intervened many times and secured his release. The family also had to bribe the policemen. In 1991, the police implicated Dalbir in a case under the Arms Act and imprisoned him for six months. When he came out on bail, the police started torturing him again. In early 1992, Dalbir, along with his wife and daughter, moved to Uttar Pradesh where his relatives lived.

The police then started tormenting his elder brother Kashmir Singh to produce Dalbir at Jhabal police station. Under pressure, Dalbir Singh came back and went to the police station in the third week of April 1992. The police illegally detained and interrogated him under torture for several days and then allowed him to return home.

On 29 April 1992 morning, Dalbir Singh went to the farm house of a distant relative, Preetam Singh, who lived in the same village, to recuperate from the torture. The section on case summaries describes how he was captured and killed few hours later. The case of Harjit Singh highlights the savage character of the Punjab police's use of torture. Twenty-five-year-old Harjit Singh had gone to visit his aunt at village Mannan on 1 August 1990.⁴⁴ A large police force from Jhabal and Tarn Taran police stations had surrounded villages Lalu Ghuman and Mannan on the basis of information that militants were hiding between the two villages. SHO Gurdev Singh of Jhabal police station arrested Harjit. A large number of people witnessed his arrest. The police took Harjit to Jhabal police station for interrogation. Some hours later, the SHO tied Harjit to a police jeep and had him dragged around on the road outside the police station to make an example of what the police would do to persons who sheltered or supported underground militants. The ghastly spectacle was witnessed by a large number of people in Jhabal. Presumably, Harjit's torture yielded the information enabling the police to arrest Kashmir Singh, son of Dara Singh of Lalu Ghumman village, who was forced to identify the militant hideout.

Family Members

Many cases mentioned in the section on case summaries show how the police tortured the family members to compel them to produce their relatives who had joined the underground militants and for information about their whereabouts. The data shows that the police succeeded in obtaining information only in a handful of cases, suggesting that the majority of families were not involved.⁴⁵

Jaswinder Singh's older brother Baljinder Singh was a member of the Sikh Students Federation and a suspected militant. The story of Baljinder's disappearance, the torture of his family members, and the subsequent disappearance of his father and grandfather is recounted in the case summaries.⁴⁶ In early 1988, the Tarn Taran's CIA staff police began to raid Baljinder Singh's house to arrest him. They illegally detained and tortured him for two weeks and then released him without pressing any formal charges. In June 1990, they again arrested Baljinder but released him after his

⁴⁴ CCDP/00144

⁴⁵ See CDP/01548, Sl. No. 294/994; CDP/01553, Sl. No. 315/1031; CDP/01201 and 01202, Sl. Nos. 120/10 and 121/11; CDP/01207, Sl. No. 451/113; CDP/01214, Sl. No. 608/170; CDP/01362, Sl. No. 193/30; CDP/01435, Sl. No. 617/1059; CDP/01288, Sl. No. 428/265

⁴⁶ CDP/01025, Sl. No. 362/66

father paid Rs. 20,000. After these experiences, Baljinder went underground.

The police subsequently targeted his family members. One day in the last week of October 1992, a joint police force comprising the Punjab police led by SHO Major Singh of Sarhali police station and a contingent of the CRPF officials raided Sukhdev Singh's house and took him and his younger son Jaswinder into custody. They were first taken to the B.R. Model School Interrogation center at Amritsar where the police interrogated them under brutal torture about Baljinder's whereabouts. Later that day, both of them were moved to Sultanwind police station and then again to the CIA staff interrogation center at Tarn Taran. For four days, the police ruthlessly tortured both Sukhdev Singh and Jaswinder. Jaswinder described his experience to the CCDP investigation team:

"At the B.R. Model School, SHO Major Singh, assisted by six other policemen, interrogated us. I was taken to a big hall. The SHO slapped me many times and asked me to disclose where my brother was. I did not know and told him so. The SHO said, 'Alright, let me help you remember where your brother is hiding', and had me hung upside down from the ceiling with several policemen beating me with large sticks. After some time, I was brought down and asked the same question. As I was not able to give any answer, the policemen started pulling my legs apart horizontally, rupturing my thigh muscles. Then they tied my hands and legs and started administering electric shocks. All the time, my interrogators kept repeating the same question. I just did not know where my brother was. Otherwise, I would have disclosed it to escape my torture. After two hours, I was taken out of the room and then my father was brought in. I was semi-conscious, but still I could hear my father shrieking in pain. He was tortured for three hours.

Later, both of us were forced into a jeep and taken to Sultanwind police station where we were locked up in a cell for two hours. No one tortured or questioned us there. But two hours later, we were taken to the CIA staff office in Tarn Taran where the same process of interrogation recommenced."

Sukhdev Singh and Jaswinder were released five days later from the illegal custody after the teachers' union in Punjab threatened to go on a strike. On 31 October 1992, Sukhdev Singh and his father-in-law Sulakhan Singh were arrested again from their house by SI Avtar Singh of Sarhali police station and taken away for interrogation. Both of them later disappeared.

This torture of family members often led to their disappearance or physical debilitation. Balwinder Singh's uncle, for example, was arrested by the police because of his relationship to Balwinder Singh and then killed in a fake encounter.⁴⁷ The Beas police also tortured his father's brother Bachan Singh, leaving him bed-ridden for three years and leading to his death. Officers from the Mall Mandi Interrogation center tortured Tarlochan Singh's father Kishan Singh; he has lost the use of his arms. The police used to tie his hands behind his back and suspend him from the ceiling with a rope attached to his hands that went through a big hook in the middle of the ceiling.⁴⁸

The police usually failed to procure information from family members through the use of torture. However, the police continued to justify their use of torture for

⁴⁷ CCDP/o1633, Sl. No. 341/60

⁴⁸ CCDP/01217, Sl. No. 449/111

information, even though victims insisted on their ignorance. In Gurdev Singh's case, CRPF officials, led by inspector Tiwari, did not relent on the torture despite Gurdev's repeated denials of their accusations that he was a militant or possessed a cache of arms for terrorist action.⁴⁹ The police brought Hardeep Singh into Gurdev's interrogation room and made him repeat the allegations. As Gurdev continued to deny the allegations, the police increased the severity of his torture, until he collapsed and became unconscious. His brothers, locked in a different cell, saw that Gurdev's right hand and left ankle appeared to be fractured. The next morning, the police killed both Gurdev and Hardeep in a fake encounter.

In another example, a young boy lied and told DSP Paramdeep Singh Teja of Bhikhiwind police that he had received shelter from Pargat Singh in October 1989.⁵⁰ He also alleged that he had hidden his weapons at Pargat Singh's house. When a police search of Pargat Singh's house failed to uncover anything incriminating, the young boy started crying and told them he had lied to escape further torture. The police went back with the young boy, but later in the day arrested and killed Pargat Singh.

Witnesses

Many family members and fellow detainees witnessed the torture of the victims described in this report. In fact, the police did not attempt to conceal their use of torture. In the case of Sukhwinder Singh, a joint party of the CRPF and police led by SHO Raghbir Singh of Harike police station cordoned off the village of Thatian Khurd in Patti subdivision of Amritsar district on 22 September 1992.⁵¹ Around 3 p.m., Sukhwinder and other villagers were standing around the village gurudwara when SHO Raghbir Singh started accusing Sukhwinder of sheltering militants and thrashed him. Although Sukhwinder denied all charges, the SHO dragged Sukhwinder inside the gurudwara and started torturing him there, where villagers could hear Sukhwinder's shrieks. His sister Sukhwant Kaur came running into the gurudwara and lay down over her brother and pleaded with the SHO to not torture him. The officers pushed her aside, stripped Sukhwinder naked and tortured him there in the gurudwara before dragging him into a police vehicle. Sukhwinder was killed in a fake encounter two days later.

In other cases, the police allowed family members to meet the detained in custody. Arur Singh's wife brought him food in custody and witnessed the critical condition he was in due to police torture. The next morning, when she returned to the police post around 5 a.m., she saw the police taking Arur Singh to the bathroom.⁵² Both of his arms were broken. Arur Singh spoke to his wife, asking her to pursue his case vigorously. The police eventually killed him in illegal custody.

The police often brought the detainees back to their houses for search operations. Family members witnessed the police dragging the victims in and out of vehicles because the victims themselves could not walk.⁵³

In one case, the police actually returned the bodies to the families, although they

⁴⁹ CCDP/01580, SI. No. 33/76

⁵⁰ CCDP/01529, SI. No. 55/145

⁵¹ CCDP/01493, SI. No. 229/853

⁵² CCDP/00543, SI. No. 274/967

⁵³ See CCDP/01352, 01411, 01412, 01413, SI. Nos. 319/1043 to 322/1046.

are listed as having been cremated by the police on the CBI List (See Sl. No. 72/183). The bodies bore marks of severe torture. Their finger nails had been removed. Their thighs were bruised from the rolling of heavy logs with policemen standing on them, a common method of torture.

Women

The Punjab police sexually abused the female relatives of people they eventually disappeared or executed.

The Jandiala police regularly harassed Rachhpal Singh because they were instigated by locally influential people who Rachhpal had antagonized. The police detained and tortured Rachhpal, implicating him in a criminal case under TADA. Rachhpal was acquitted after one year, but the police continued to harass him. When Rachhpal left home, the police began targeting his family members. The police regularly picked up and tortured family members and other relatives, including women. They did not even spare pregnant women. Rachhpal's sister-in-law, his brother Balraj Singh's wife, and the wife of his cousin Tarsem Singh, gave birth to two children in the police station. Rachhpal's three sisters were often abducted and humiliated in illegal police custody. His father Pargat Singh and brother Balraj Singh were held continuously at Tarn Taran's CIA interrogation center.⁵⁴

In another case, the SSP of Tarn Taran, Ajit S. Sandhu, forced the wife of the person they initially wanted to detain to spend a night at his house. Thirty-five-year-old Sardul Singh, son of Puran Singh and Kesar Kaur, was a constable of the Punjab Armed Police and was arrested for participating in the conspiracy to assassinate director general of police, Julio Ribeiro.⁵⁵ After three years in jail, he was released on bail and he opened a dairy farm, becoming the secretary of the Verka Co-operative Society. He regularly attended his court hearings.

In the first week of December 1992, a group of officers from Tarn Taran police station raided Sardul's house while he was out collecting payments. They told his family that Sardul had to report to SSP Sandhu. Two weeks later, after Sardul failed to produce himself at the station, the officers raided his house again and took his wife Manjit Kaur into illegal custody. They kept her at Tarn Taran police station for 12 days and then at Goindwal police station for six days. Then SSP Sandhu forced her to spend one night at his house.

Sardul Singh used a police informer to negotiate his wife's release, but she still had to spend two days at the headquarters of Ajit Singh Phoola, a conduit between the informer and the Punjab police. The story of Sardul Singh's subsequent torture, detention and execution are explained in his case summary.

The Indian Armed Forces

This note will first describe the basic legal framework that guides the use and operation of the Armed Forces, both generally and also during the counter-insurgency

⁵⁴ CCDP/01509, Sl. No. 614/173

⁵⁵ CCDP/00751

operations in Punjab. After establishing the legal framework, the note will describe how the Armed Forces operated as shown in the CCDP's data. The CCDP has limited data on the operations of the Armed Forces in Punjab during the early 1990s. Thus, this note will concentrate on laying the legal framework and highlighting the salient positive and negative examples. It will conclude by raising issues pertinent to the NHRC's evaluation under the jurisdiction conveyed by Article 32 of the Constitution of abuses committed by the Armed Forces.

Legal Framework

Code of Criminal Procedure

Sections 129 and 130 of the CrPC govern the use of Armed Forces in general situations. Under these sections, the use of Armed Forces must abide by three requirements:

1. Their use is limited to dispersing unlawful assemblies or "any assembly of five or more persons likely to cause a disturbance of the public peace";
2. Armed Forces cannot be used unless other methods fail; first an executive magistrate or police officer in charge of a police station must command the assembly to disperse; then, if the assembly does not disperse, the executive magistrate or police officer may ask any "male person, not being an officer or member of the Armed Forces" to help. Only if these two methods fail, does the executive magistrate "of the highest rank" present ask for assistance from Armed Forces.
3. The Armed Forces must then act according to the laws regarding arrest and searches. They may, under the command of the magistrate, arrest and confine persons composing the assembly. Section 130(3) requires that the Armed Forces "use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons."

When the governor of Punjab or the administrator of Chandigarh decided that they needed Armed Forces to aid civil power and declared the area to be a disturbed area⁵⁶, then the Armed Forces (Punjab and Chandigarh) Special Powers Act, 1983 (AFSPA) additionally governed the use of Armed Forces. Punjab was declared to be a disturbed area at the promulgation of AFSPA in June 1984⁵⁷ until the Rajiv-Longowal Accord in July 1985⁵⁸, and again from November 1991⁵⁹ until the end of 1993⁶⁰. It is necessary to lay out the special powers granted to the Armed Forces in disturbed areas in order to properly evaluate their behavior during these time

⁵⁶ Section 3, Armed Forces (Punjab and Chandigarh) Special Powers Act, 1983.

⁵⁷ *The Tribune*, 3 June 1984, "Army called in as 13 more killed".

⁵⁸ Ram Narayan Kumar, *The Sikh Unrest and the Indian State: Politics, Personalities and Historical Retrospective*, Ajanta Books International, Delhi, 1997, p. 239; *The Tribune*, 30 July 1985, Inderjit, "Punjab: The inside story".

⁵⁹ *The Tribune*, 23 November 1991, "Not by Army alone"

⁶⁰ K.P.S. Gill, "Endgame in Punjab: 1988 – 1993"

<http://www.satp.org/satporgtp/publication/faultlines/volume1/Fault1-kpertext.htm>

periods. Section 4 of the AFSPA describes the special powers granted to the Armed Forces in a disturbed area. Among other powers, any officer may:

- Section 4(a): Fire upon, and even kill, any person who is contravening any law or order in place “prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of firearms, ammunition or explosive substances”. Before firing, the officer must first make sure his action is necessary to maintain public order and then give due warning;
- Section 4(c): “Arrest, without warrant, of any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect such arrest”;
- Section 4(d): “Enter and search, without warrant, any premises to make any such arrest as aforesaid” and to recover stolen property, among other things.

Section 4 grants other powers that are not specifically relevant to the scenarios presented in the CCDP data. Section 6 requires that any person arrested or taken into custody under AFSPA must be handed over to the officer in charge of the nearest police station with the least possible delay.

Exceeding Legal Authority

Based on the legal framework provided by the CrPC that governed the use of Armed Forces in Punjab when it was not a disturbed area, we can evaluate the actions of the Armed Forces, as reported in the CCDP data, according to the following questions:

- Did the situation present an unlawful assembly or assembly of five or more persons likely to disturb the peace?
- Did a police officer or executive magistrate first try to disperse the assembly with the police forces, or with private help?
- When the Armed Forces were called in, did they follow the general procedures of arrest and confinement?
- Did the Armed Forces “use as little force” and do “as little injury to person and property” as the situation required?

During the periods when Punjab was declared a disturbed area, we also must evaluate the performance of the Armed Forces under the AFSPA and the Code of Criminal Procedure. Although the act granted the Armed Forces draconian powers to shoot to kill, the Armed Forces could only shoot at unlawful assemblies and arrest those who committed offenses or against whom a reasonable suspicion existed. The Armed Forces also had to depend on the local police for investigation, search of premises, arrest and initiation of trial under criminal law.⁶¹

⁶¹ K. V. Thomas, “Use of the military and paramilitary forces in situations of low intensity conflict”, in *Human Rights, Terrorism and Policing in India*, Indian Social Institute, New Delhi, 1999

The CCDP's Data

The Committee's case studies mention several joint police and Army operations, specifically related to the cordoning off of villages and arrests of specific persons. In some of these examples, it is difficult to discern whether the Armed Forces followed the procedures required by law. In others, the abuses are obvious. Below, we highlight the CCDP cases that reported obvious abuses committed by the Armed Forces.

Human Shield

In the most egregious example, the Armed Forces participated in a raid on three militants and used six innocent villagers as a human shield before storming the house in which they were hiding.⁶²

On 8 June 1992 morning, a large mixed force of the Punjab police led by SSP Ajit Singh Sandhu and SP [operations] Khubi Ram and units of the Army and paramilitary, surrounded the abandoned house of Manjinder Singh, a former member of the Punjab legislative assembly, in village Behla. Apparently, the house was being used as a hideout by militants associated with Surjeet Singh, son of Tarlok Singh from Behla. Surjeet Singh Behla was a renowned militant and the senior leader of the militant group, Bhindranwala Tigers Force. His associates were 18-year-old Sukhdev Singh, alias Maddi, son of Santokh Singh and resident of Behla, and Harbans Singh, son of Mehr Singh from Sarhali in Tarn Taran subdivision of Amritsar district.

Before storming the house where these three militants were hiding, the police and Army officers decided to round up seven or eight villagers from Behla to walk in front of the police force and act as human shields. The following are the names of the six innocent villagers who were killed in the operation that ensued: [1] Kartar Singh, s/o Aasa Singh; [2] Niranjana Singh, s/o Boor Singh; [3] Sakatter Singh, s/o Niranjana Singh; [4] Lakhwinder Singh, s/o Channan Singh; [5] Gurmej Singh; and [6] Ajit Singh, s/o Mangal Singh.

Twenty-five-year-old Sakatter Singh, son of Niranjana Singh and Balwinder Kaur, was married to Sharanjit Kaur and had two daughters. He was an *Amritdhari* Sikh and was not known to have any political or militant affiliations. He worked as a farmer with his father on their three acres of land. The police abducted him, his father Niranjana Singh, and his brother Sukhchain Singh while they were working in their fields. Sukhchain Singh, who was part of the front column, however, managed to escape after suffering serious wounds.

Fifty-five-year-old Niranjana Singh, son of Boor Singh and Kartar Kaur, was married to Balwinder Kaur. He was a farmer and owned three acres of land and also made money by selling milk. Niranjana Singh had four children and reportedly had no political or militant association.

Another villager who was forced to be part of the human shield was 20-year-old Lakhwinder Singh, the youngest son of Chanan Singh and Gurmej Kaur. He too was not known to be associated with any political or militant group. He was watering his fields when the forces picked him up.

⁶² CCDP/00344, 00378, 00379, Sl. Nos. 188/709 to 190/170 and CCDP/00343, 00378, 01374, 01375, 01376, Sl. Nos. 69/703 to 73/708

Ajit Singh, from Behla village in Tarn Taran, was a 60-year-old man married to Preetam Kaur with seven children. He owned a horse driven cart and was employed by a brick kiln owner to transport bricks to his clients. He had no known political or militant connection, or criminal background, nor enmity with anyone in his village. Ajit Singh brought a cartload of bricks to Niranjana Singh's house when the police came and forced him to be a part of the human shield.

After entering the house, the security forces discovered that the house had a basement but no door to enter it from inside. They demolished the floor that was the cellar's roof. When the militants holed up inside opened fire, the police pushed the eight villagers in front of them and used them as cover as they fired back. Six villagers and the three militants died. Two others were seriously injured but survived: The sarpanch of the village and Niranjana Singh's other son Sukhchain Singh. The encounter lasted 32 hours.

In the evening of June 9, the police removed the bodies of all nine people and cremated them at Tarn Taran. Only Ajit Singh's family was allowed to attend the cremation; none of the other families were allowed to perform the last rites.

The Army's participation in this raid and their use of innocent villagers as a human shield obviously surpasses any special powers conferred by the Armed Forces Special Powers Act.

Checkpost and Combing Operations

Another case highlights the violation of section 4(a) of the AFSPA. This section specifically states that the Armed Forces can shoot at any person only after giving prior warning and only if the targeted person is violating any law or order. On 27 March 1991, Sawinder Singh, an 18-year-old boy from village Valipur under Tarn Taran's City police station, and his cousin Jagtar Singh were cycling to village Kherai to visit relatives.⁶³ The Army had set up a checkpost over a canal bridge on Mughal Chack-Kherai road. As Sawinder and Jagtar crossed the bridge, a soldier from the checkpost opened fire at them, killing them instantly.

The soldier failed to warn them and shot at them indiscriminately, despite their innocent behavior.

The Army also participated in combing operations with the police. Jaimal Singh, son of Dharam Singh and Mohinder Kaur from village Bhail, was detained by a joint force of the police and the army. That same night, he was reported killed in an encounter. Although the police did not reveal this to his family, the commander of the Army camp at village Thathian Mahantan told them.

Knowledge of Human Rights Abuses

The above example highlights the issues that must be probed to understand the behavior of the armed forces during the counter-insurgency operations. In another example, a commanding officer (CO) transferred his detainee to the Tarn Taran police despite the knowledge that they had earlier tortured him and had burnt his

⁶³ CDDP/01440, 01441, Sl. Nos. 114/361 to 115/362

household belongings.⁶⁴ The detainee later disappeared. Was the officer aware or complicit in the disappearance?

Forty-year-old Gulzar Singh, son of late Harnam Singh and late Phinno, was a *Mazhabi* Sikh resident of village Rataul, Mazhabian di Patti, under Tarn Taran's City police station, in Tarn Taran subdivision of Amritsar district. He was married to Jagir Kaur and they had two sons and a daughter. Gulzar Singh was a *naik* (a junior commissioned officer) in 2 Sikh Light Infantry. He was not known to have any political or militant affiliations. However, his younger brother Dilbagh Singh had been arrested and implicated in a criminal case. Both brothers were married and lived separately.

In April 1991, while Gulzar Singh went home on leave, a large contingent of the Army and police forces surrounded the village. The police suspected that some militants were hiding inside the village. They conducted a house to house search, including the house of Gulzar's brother Dilbagh Singh who was not home then. Since Gulzar Singh was his neighbour, the police asked him about his brother. Gulzar Singh replied that he did not know anything about him. On hearing this, the police started beating Gulzar Singh, arrested him and took him away. They also put Gulzar's house on fire, burning all of his household items. In the meantime, the police arrested Gulzar Singh's brother Dilbagh Singh from the fields.

Gulzar Singh sustained serious injuries on his head from the police beating. The police handed him over to the Dogra Regiment of the Army, on field duty in the area of Tarn Taran. The Army unit provided first aid to Gulzar Singh and sent him back to his unit at Jammu. His wife and children also accompanied him to Jammu. Gulzar Singh complained about the ill treatment meted out to him and the head injuries inflicted by the police to his CO. The CO wrote a letter of protest to the SSP of Tarn Taran. In reply, the SSP Tarn Taran wrote that they wanted Gulzar Singh, in connection with the murder of some police officers and that his custody should be transferred to the police.

One day, Gulzar was arrested from his quarter by one of his superior officers. After about a month, Gulzar's wife met the officer to make inquiries, but did not receive clear answers. Jagir Kaur waited for two months and then returned to the village. She was never informed by anybody that the Army authorities had handed Gulzar Singh over to the Tarn Taran police. The family learnt about this a long time after the incident when the Army authorities wrote in reply to their letters that Gulzar Singh had been handed over to the SSP of Tarn Taran. The SSP of Tarn Taran, in a letter dated 23 January 1992, had intimated Gulzar Singh's unit in Jammu that he had escaped from their custody on 22 January 1992 while he was being taken to the civil hospital for treatment.

The Army authorities did not pay Gulzar Singh's service benefits to his family because the family could not produce proof of his death.

Interrogations

The CCDP's cases also reveal Army participation in interrogations, going beyond the powers granted to them for searches, arrests and dispersing unlawful

⁶⁴ CCDP/01231, SI. No. 399/619

assemblies. In the beginning of November 1992, Resham Singh was called to the Army Camp Headquarters at village Bhoore Kohne where they held him and interrogated him for 10 days.⁶⁵ On 14 November 1992, the Army released him after satisfying themselves that he was not involved in militant activities. As required by section 6 of the AFSPA, the Armed Forces had not transferred custody of Resham Singh to the police “with the least possible delay”. Under what power and whose direction did the Armed Forces operate in initiating their own interrogations? The matter is further complicated by the subsequent events. Resham Singh was arrested by SHO Sulakhan Singh of Khemkaran police station on November 14, soon after he returned home following his military custody, along with his father. Resham Singh was later arbitrarily executed.

NHRC

The NHRC’s proceedings in the matter of illegal cremations are not limited by the mandate of the Protection of Human Rights Act, 1993. Thus, section 19 of the act, which restricts the commission from investigating allegations of human rights abuses committed by the Armed Forces, has no force. In this case, the NHRC is operating under the authority of the Supreme Court and has the all-encompassing powers of Article 32 of the Constitution to reach injustice, no matter who is the perpetrator.

Section 7 of the AFSPA and section 132 of the CrPC require sanction by the Central government prior to the initiation of prosecutions against members of Armed Forces. However, the section does not affect the NHRC’s proceedings in this case since the Supreme Court ordered the CBI to deal with the issues of culpability and prosecution of responsible officials separately. The NHRC remains free to examine the responsibility of the magistracy in controlling excesses and the human rights violations that took place in the course of joint operations carried out by the Punjab police and the army.

Victims’ Property

The Punjab police supplemented their practices of torture, extra-judicial execution, and other abuses with the expropriation, destruction, confiscation, and damage of property belonging to victims and their families. The police prevented many families from cultivating their land and thus sustaining their livelihood. They confiscated household belongings, money, and other possessions. The police destroyed or damaged houses and crops and forced families to flee their property by harassing and abusing them. Many families also had to sell their belongings and agricultural land to pay ransoms demanded by police officers.

The Punjab police used these practices to put pressure on the families to produce the person wanted by the police; to get the wanted person to turn himself in; to extort money and property from families for personal profit and to generally harass and intimidate the families. They engaged in these practices especially after the

⁶⁵ CDDP/01683, Sl. No. 257/916

main person they were targeting fled his house or went underground, and also prior to the victim's leaving, during house searches and after they had killed the victim in a fake encounter.

Harassment after Primary Victim Fled

The majority of cases dealing with property expropriation or damage involved abuses inflicted on families after the primary person targeted by the police had fled or gone underground. After Gurjit Singh went underground, for example, the Majitha police illegally detained and brutally tortured his father Mohinder Singh for three weeks.⁶⁶ They implicated him in a criminal case under TADA. After Mohinder Singh's release on bail in February 1991, the police continued to raid his house and detain and torture him, his wife and daughters. The police confiscated his household belongings. They then demolished the roof of his house and also removed all doors, forcing Mohinder Singh and his family to seek refuge with their relatives. After forcing them to flee their house, the Majitha police established a police post there. They used Mohinder Singh's house as a police post until the middle of 1994.

Many families gave specific details about the property expropriated by the police. The police took all household items and six buffaloes, one wheat harvesting machine, one tractor, three electric tubewell motors, furniture, and 10,000 kilograms of wheat from Nishan Singh's family.⁶⁷ Not only did they force Balwinder Singh's family to do forced labor for them at the police station, but they also confiscated all household goods, bedding, 10,000 kilograms of wheat, 15,000 kilograms of paddy, and farm and milk cattle.⁶⁸

The police's expropriation, confiscation and damage of property, left families destitute in addition to being harassed and tortured. The police frequently raided the house belonging to Paramjit Singh, a militant, and detained and tortured his father and brother. The police also confiscated their household goods and demolished their house. After the death of Paramjit, and the implication of his son Surjit Singh in criminal cases, their father Roor Singh now lives in Gurudwara Hazur Sahib.⁶⁹

Property Abuses following Fake Encounter

Even after killing their loved ones, the police continued to harass their family members. After Paramjit Singh's family returned home from his cremation following his death in a fake encounter, head constable Surjit S. Bazigar reached his house with a police force and burned down all household items, including the tubewell room of his farm and the doors of his house. The family fled the village and did not return for a year. They estimate the loss to their property and agricultural income to be more than Rs. 100,000.⁷⁰

Balraj Singh's family suffered a similar fate. The death of their loved one did

⁶⁶ CCDP/01655, Sl. No. 498/134

⁶⁷ CCDP/01497, Sl. No. 281/968

⁶⁸ CCDP/00756, Sl. No. 300/1005

⁶⁹ CCDP/01267, Sl. No. 315/51

⁷⁰ CCDP/01285, Sl. No. 444/106

not end their harassment at the hands of the Punjab police. The police continued to raid his father's house, eventually confiscating all valuable household items and burning down his house. Sukhdev Singh, his father, estimates the loss to be around Rs. 200,000. The police also tortured him and implicated Sukhdev Singh in a criminal case. The court, however, acquitted him after three months.⁷¹

Extortion

Many families had to sell their land or property to fulfil the ransoms demand of Punjab police officials who held their loved ones under illegal detention. The police had already killed Manjit Kaur's husband and two sons.⁷² Thus, when they detained Major Singh for interrogation, Manjit Kaur sold some acres of her land to bribe the police officials so they would not also kill her third son.

In the case of Resham Singh, DSP Ashok Kumar and SHO Raj Kumar told Resham Singh's father Tara Singh to pay Rs. 25,000 before they would release his son.⁷³ After Tara Singh protested, the DSP and SHO lowered their ransom requirement to Rs. 20,000. That day, Tara Singh sold two of his sturdy buffaloes and paid the Rs. 20,000 to the policemen. They told him, however, to come back in six or seven days to take Resham Singh home; he still needed to recuperate from the torture. Tara Singh spoke to Resham Singh who told him that his torturers had threatened to kill him unless he sold his share of the land and paid the proceeds to them. The police continued to torture him even after Tara Singh had paid the Rs. 20,000, and eventually they killed him in a fake encounter.

Police Retribution

When Gurinder Singh's father Bakhshish Singh used the intervention of local politicians to recover his motorcycle from the Chheharta police station after they had killed his son in a fake encounter, SHO Gurmeet Chand instigated the Kang police to arrest Bakhshish Singh and torture him in illegal police custody for seven days. The torture was so severe that Bakhshish Singh could not walk for 15 days after his release.⁷⁴

The Lower Judiciary and Its Role

In the landmark case *D.K. Basu v. State of West Bengal*⁷⁵, the Supreme Court of India addressed the fundamental issues of custodial torture and the misuse of police powers, stressing the gravity of abuses committed by the "protectors of the citizens". The Court specifically highlighted the role of the judiciary, focusing on the negative role the judiciary had played in actually encouraging custodial torture. It quoted the *State of Madhya Pradesh v. Shyamsunder Trivedi* case to discuss the

⁷¹ CCDP/00774, Sl. No 111/9

⁷² CCDP/01241, Sl. No. 26/51

⁷³ CCDP/00726, Sl. No. 275/958

⁷⁴ CCDP/00741, Sl. No. 202/26

⁷⁵ *D.K. Basu v. West Bengal*, (1997) 1 RCR 373 (India).

standards of evidence in prosecuting errant policemen: “Tortures in police custody, which of late are on a rise, get encouragement by this type of an unrealistic approach of the courts because it reinforces the belief in the mind of the police that no harm would come to them, if an odd prisoner dies in the lock-up, because there would hardly be any evidence available to the prosecution to directly implicate them with the torture. The courts must not lose sight of the fact that death in police custody is perhaps one of the worst kinds of crime in a civilised society, governed by the rule of law.” (para 24)

This note will first briefly touch on the legal obligations of the lower judiciary to ensure that suspects in police custody do not suffer abuses and violations of their rights. The note will then compare how these legal imperatives square with the reality presented in our cases.

Constitution of Criminal Courts and Offices

Chapter III of the CrPC, deals with the constitution of the courts under every high court. Under section 6 of the CrPC, their hierarchy is defined in the following order: [i] Courts of session; [ii] Judicial magistrates of the first class and, in any metropolitan area, metropolitan magistrates; [iii] Judicial magistrates of the second class; and [iv] Executive magistrates. Article 141 of the Constitution declares that “the law declared by the Supreme Court shall be binding on all courts within the territory of India.”

The Legal framework

Section 190 of the CrPC empowers any magistrate of the second class to take cognizance of any offence on receiving a complaint of facts which constitute such an offence, on information received from any person other than a police officer, or upon his own knowledge. Section 190(a) of the CrPC especially empowers even the executive magistrates in Punjab with these powers of cognizance. Section 267 of the CrPC empowers every criminal court to require the production of a prisoner if it appears that “it is necessary for the ends of justice to examine such person”. Section 344 of the CrPC empowers the courts of session and magistrates of the first class to initiate summary proceedings against anyone who appears to have knowingly and willfully given false evidence or fabricated false evidence to influence the proceedings.

Under section 167 of the CrPC, no person can be detained in police custody for more than 24 hours without the authorization of a competent magistrate. In *Sheela Barse Vs. State of Maharashtra*, the Supreme Court ruled that the magistrate before whom an arrested person is produced, shall ascertain from him whether he has any complaint of torture or maltreatment in police custody.⁷⁶ In *Joginder Kumar Vs. the State of Uttar Pradesh*, the Supreme Court repeated the same rule and stressed its scrupulous observance.⁷⁷ In the *D. K. Basu* case the court stressed the importance of the judiciary in upholding the fundamental rights guaranteed by Articles 21 and

⁷⁶ *Sheela Barse Vs. State of Maharashtra*, AIR 1983 SC 378) (Chapt. 5. , 5:11

⁷⁷ *Joginder Kumar Vs. State of Uttar Pradesh*, 1994, 3 J. T. SC 423

22 and the role of the judiciary in evaluating evidence against the police. The following principles can guide our analysis of the judiciary's role in dealing with people in police remand:

- The judiciary must take cognizance of custodial abuses, like torture. Thus, any remand to the police for further investigation after claims of custodial torture is complicity in the torture itself.
- The judiciary must ensure that the police follow the procedures for arrest described in Article 22 of the Constitution and Chapter V of the CrPC. In this analysis, the court must account for the ground realities of police abuse and cover up.⁷⁸

The CCDP Data

The cases investigated by the CCDP show that the judiciary did not take the minimum necessary steps in countering custodial abuse. In only 16 out of 513 cases did our informants testify that the police brought the victim before a local Punjab magistrate after the last arrest leading to the victim's disappearance or extra-judicial execution. In two cases, magistrates in other states granted remand to the Punjab police. This highlights that in the vast majority of the cases, the police ignored Article 22 and related statutory provisions.

Four cases highlight particularly egregious examples which show that the magistrates either granted remand after the detainee's death, granted remand from their house and not the court, refused to accept evidence from families regarding the illegal abduction of the detainees, and granted remand to a detainee who exhibited obvious signs of torture.

Remand after Detainee's Death

After suffering regular police harassment, torture and illegal detention, 32-year-old Ram Singh was tortured by SSP Ajit Singh Sandhu and SP (operations) Khubi Ram, and then implicated in a case under the Arms Act and TADA by SHO Suba Singh of Jhabal police station.⁷⁹ Ram Singh had been in Amritsar's high security prison since 1 January 1992 when the Jhabal police obtained a production warrant for him on 28 December 1992. Ram Singh died in a reported encounter that evening at 6:30 p.m. However, in an act that seriously undermines the claim of judiciary's independence, the local magistrate apparently did not confirm Ram's remand to the police until late in the evening, after he had died. This means that the magistrate never physically saw him, as required by law. Thus, without concerning himself with the principles embodied in Article 22 and chapter V, without evaluating how the police obtained custody of the victim and treated him during the custody, the magistrate rubber-stamped the police's request.

⁷⁸ *D. K. Basu Vs. State of Bengal*, 1996 8 SC 581: 1997 1 JT 1SC:1997 1 RCF CRI 373

⁷⁹ CCDP/00795, Sl. No. 276/959

Informal Procedures

The police brought Nishan Singh to the magistrate's residence with an application for his remand to police custody.⁸⁰ Without any regard for the formalities required by law, the magistrate allowed the police application from his house. Nishan Singh must have exhibited signs of torture, as well. His father, Bahal Singh, had visited him in illegal custody two weeks before the police produced him before the magistrate. Nishan Singh could not move himself because of his wounds from police torture. He was reported killed in an encounter after the magistrate allowed his police custody.

Refusal to Admit Evidence

The police produced Harinder Singh and Parminder Singh before a magistrate, claiming to have arrested them after an encounter and asked for their remand to police custody.⁸¹ Harinder Singh's family produced copies of telegrams sent to various authorities after the police had abducted the boys over a month earlier to argue that the police claim of arresting the boys following an encounter was false. The magistrate, however, refused to admit their submissions and granted the police remand. Harinder and Parminder were killed in a fake encounter, a day before their police remand period was to expire.

Ignoring Torture Wounds

During one of Satnam Singh's previous detentions, the Verowal police implicated him in a case under the Arms Act after brutally torturing him for 15 days.⁸² When the police produced him before the magistrate, they had to physically lift and carry Satnam Singh because he could not move. The magistrate, however, did not take cognizance of this evidence of custodial torture. Instead, he sent Satnam to jail.

Conclusion

In 14 other cases of fake encounters, which followed on the magisterial orders of remand to police custody, the victims had already spent more than 24 hours in illegal police detention in direct contravention of Article 22 of the Constitution. Many of them had also suffered torture. The magistrates, however, did not "discover" these abuses. They granted the police remand and consigned the detainees to their extra-judicial execution.

Medical Note

The CBI's lists only give the post-mortem report numbers and mention the causes of death as recorded in the reports. As we have not seen the post-mortem reports,

⁸⁰ CCDP/00461, Sl. No. 88/6

⁸¹ CCDP/00327, Sl. Nos. 121/7 to 122/8

⁸² CCDP/00773, Sl. No. 586/164

our analysis of the role of the medical profession in the counter-insurgency operations and human rights abuses must rest on some obvious questions that arise from the comparison between the information contained in the CBI's lists and the CCDP's own data.

Three types of cases challenge the post-mortem conclusions regarding the cause of death: (1) Cases in which families received the bodies and witnessed the evidence of torture; (2) Cases in which newspaper reports and post-mortem reports attribute divergent causes of death; and (3) Cases in which doctors treated detainees for their torture wounds prior to their arbitrary execution.

Evidence of Torture on Dead Bodies

Twenty-five-year-old Kashmir Singh had suffered two previous illegal detentions and interrogation under torture in 1986.⁸³ When the police came to arrest him the third time, he slipped away. SHO Brar of Jhabal police station managed to arrest Kashmir Singh on 26 May 1990 when he was traveling in a truck belonging to Sukhdev Singh of Algon Kothi village. The police took both men to the police station, tortured them, and then killed them that evening in a fake encounter.

The police returned the bodies to the families after the post-mortem. The bodies bore marks of severe torture. The nails of all fingers on their hands and feet had been removed, and their thighs were bruised from the rolling of heavy wooden logs, with policemen standing on them, a common method of torture. Despite this gruesome physical evidence, seen by the family immediately after the post-mortem, the autopsy report concluded that Kashmir Singh had died in a "police encounter". Sukhdev Singh's cremation does not appear on any of the CBI lists.

Similarly, in the case of Ninder Singh, his father went to the Civil Hospital at Patti and saw the body of his son.⁸⁴ His son had been shot in the head, suggesting a close range execution. Yet the autopsy report concluded that he died in a "police encounter".

Conflicting Reports

In six cases, the newspaper and the autopsy reports gave conflicting causes of death. Nineteen-year-old Gurjit Singh was an electronic technician and a resident of village Thathian. He had no known militant connection. In the afternoon of 6 January 1991, Gurjit was resting at his house. It was a Sunday and his shop was closed. Around 2 p.m., Kulwant Singh of Jalal Usman village came to his house and requested Gurjit to accompany him to his village to repair his broken video player. Gurjit collected his tools and went with Kulwant. He did not return home that night.

On January 8, a village resident informed Gurjit's father that he had seen Gurjit's body at the Mall Mandi interrogation center in Amritsar. The DSP of Baba Bakala allowed Gurjit's father to identify his son's clothes and told him that the CRPF had killed Gurjit in an encounter. The post-mortem report also gives the cause of death

⁸³ CCDP/01490, SI. No. 72/183

⁸⁴ CCDP/01549, SI. No. 113/346

to be an “encounter”. Newspapers, however, reported that an unidentified militant committed suicide by consuming cyanide when surrounded by the police.⁸⁵

Treatment by Doctors

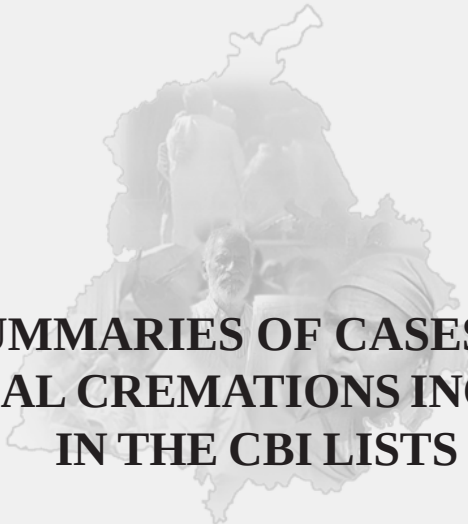
In the cases of Sukhdev Singh⁸⁶, Amarjit Singh and Baldev Singh⁸⁷ the police either summoned doctors to treat the detainees’ torture wounds or allowed the families to bring their own private doctors to treat them. All of the detainees were later killed in fake encounters and the post-mortem reports certify the same.

As we have not seen the post-mortem reports, it is not possible for us to judge whether they meet the basic standards of forensic principles and the standards of medico-legal ethics in ascertaining the cause and time of death and in describing the conditions that can establish or negate foul play. Only the CBI officials and the members of the NHRC have seen the post-mortem reports and can judge whether they are helpful in revealing the circumstances of death. In the introductory chapter, we have reported the confession of the chief medical officer of a civil hospital in Amritsar district, that the procedure of post-mortem had been simplified to the extent that it meant no more than filling a paper announcing the cause and time of death, with the policemen providing the information. In that case, bungled autopsy, like destroyed lives, cannot be revised.

⁸⁵ CCDP/01179, Sl. No. 209/165; *See also* CCDP/01637, Sl. No. 168/17; CCDP/00741, Sl. Nos. 210/25 to 202/26; CCDP/01216, Sl. No. 253/910; CCDP/01110, Sl. No. 434/99

⁸⁶ (CCDP/01213, Sl. No. 582/92)

⁸⁷ CCDP/00537 and 00538, Sl. Nos. 559/922 to 560/923



SUMMARIES OF CASES OF ILLEGAL CREMATIONS INCLUDED IN THE CBI LISTS

The report of the Central Bureau of Investigation (CBI) about the illegal cremations carried out by the Punjab police in Amritsar district, submitted to the Supreme Court of India in December 1996, includes three lists. They show 582 fully identified, 278 partially identified, and 1238 unidentified cremations. The Committee for Coordination on Disappearances in Punjab (CCDP) has acquired specific information about the personal and political background of 672 of the cases included in the CBI's lists and the circumstances under which they disappeared or died before getting cremated by the police. The information draws from 513 out of 889 incident reports, which the CCDP has been able to collect in Amritsar district by following the methodology described in the chapter 3. We present here the summaries of these case studies. As pointed out in the chapter four, the CBI has repeatedly used wrong names and incorrect spelling of persons and villages mentioned in its lists. However, while referring to the entries in its lists, we have no choice but to reproduce the names and the spelling as recorded in them. Our case summaries are based on the incident report forms that have been filled by the CCDP's volunteers during their field trips and in the presence of the victim families. In the text of our summaries, we use the names and the spelling recorded in the CCDP's incident-report forms. The divergence between the names and the spelling in the CBI's entries and our case summaries is regretted.

THE LIST OF IDENTIFIED BODIES

Cremations in the Police District of Taran Taran

1. Under serial no. 2/002, the list identifies the cremation of Acchar Singh, s/o Tara Singh, r/o Kamboke village in Patti sub-division of Amritsar district, carried out by head constable Vishwamitra of Patti police station on 21 July 1984, listed under FIR no. 223/84. The autopsy report is marked as SKG-16/84. The cause of death is given as “police encounter”.

The CCDP has acquired the following information through its incident report form no. CCDP/01540. Dalbir Kaur, the victim’s widow, is the main informant.

Twenty-five-year-old Acchar Singh, son of Tara Singh and Dhanto, was a resident of Mari Kambo Ki village under Khalra police station in Patti sub-division of Amritsar district. A young farmer Acchar Singh was married to Dalbir Kaur and had two young sons, Sukhdev Singh and Gurdev Singh, who are now 20 and 18.

Acchar Singh, a baptized Sikh, was a supporter of Jarnail Singh Bhindranwale. After Operation Blue Star in June 1984, the army launched another operation, code named “Wood Rose”, directed against Bhindranwale’s sympathizers in the countryside. Acchar Singh became a suspect around this time.

Soldiers of the Indian army, assisted by the Punjab police, began to raid Acchar Singh’s house. In his absence, the police picked up his brother and harassed other family members. The family then decided to produce Acchar Singh through members of the village council and other elders, before Station House Officer (SHO) Pooran Singh of Khalra police station. The SHO had promised to proceed in a legally appropriate manner, but Acchar Singh was declared killed in an “encounter”, near Patti More, three days after his surrender. The family read about his killing in a newspaper report and then went to Khalra police station to ask for the body and details of the cremation if it had already been performed. The officials there refused to divulge anything and the family had to keep quiet because of the prevailing atmosphere of terror.

The family holds Senior Superintendent of Police (SSP) Boora Singh of Amritsar and the SHOs of Khalra and Patti police stations responsible. According to Acchar Singh’s widow Dalbir Kaur, one of her husband’s cousins, Gurmej Singh, son of Amrik Singh from Sanpura village near Bhikhiwind, was later arrested and killed by the Amritsar police in a separate incident.

2. Under serial no. 3/008, the list identifies the cremation of Virsa Singh, s/o Harnam Singh, r/o Sursingh, carried out on 10 May 1987 by inspector Madan

Gopal of Harike police station, under FIR no. 59/87. The post-mortem report is marked as JSC-33/87 and the cause of death is given as “police encounter”.

The CCDP has collected the following information through its incident report form no. CCDP/01582. The main informant is the victim’s brother Mukhtar Singh.

Virsa Singh, s/o Harnam Singh and Gurdial Kaur, was a resident of Patti Chandu Ki in Sur Singh village under Bhikhiwind police station in Tarn Taran sub-division of Amritsar district. Twenty-three-year-old Virsa Singh had dropped out of school after class the VII to join a *Nihang* Sikh order. Virsa Singh stayed with this group and visited his family very rarely.

In the first week of May 1987, the Amritsar police arrested Virsa Singh and two of his associates, Satnam Singh, r/o Chakk Walia and Mangal Singh, r/o Gazal, from a house in the city. The family members did not receive any information about Virsa Singh’s situation until a Punjabi newspaper called *Jagbani* reported his killing on 28 August 1987, along with Mangal Singh and Satnam Singh, in an alleged police encounter near village Nabipur under Harike police station. The newspaper report, based on a police handout, identified all the persons killed in the so-called “encounter”. Satnam Singh was identified as the son of Vasakha Singh from Chakk Walia village under Khemkaran police station, and Mangal Singh as the son of Sarma Singh from Gazal village also under Khemkaran police station. By the time the newspaper published the reports, the police had already carried out the cremations.

The CBI’s list of identified cremations only shows Virsa Singh’s cremation. In spite of the complete identification available in the newspaper report, the CBI chose to place the two other cremations in its partially identified list. Under serial nos. 04/07 and 05/09, the partially identified list shows the cremations of Mangal Singh and Satnam Singh, carried out by inspector Madan Gopal of Harike police station on 10 May 1987 under the same FIR no. 59/97. However, contrary to the information given in the newspaper report, the list identifies Mangal Singh’s village as Bhai Ladhoo.



Virsa Singh

3. Under serial no. 6/018, the list identifies the cremation of Narinder Singh, alias Pratap Singh, s/o Puran Singh, r/o Bhorsi, carried out on 18 October 1987 by assistant sub-inspector (ASI) Aatma Singh of Verowal police station under FIR no. 204/87. The post-mortem report is marked as KS-35/87. The cause of death is stated to be unavailable.

The CCDP has gathered the following information about this case through its incident report form no. CCDP/01108. The main informant is the victim’s father Pooran Singh.

Twenty-six-year-old Narinder Singh, son of Pooran Singh and Prasin Kaur, was a resident of Bhorchhi Brahmana village under Jandiala Guru police station in Baba Bakala sub-division of Amritsar district. His father did not own any land and earned his livelihood by working as a daily wage laborer. Narinder Singh himself gave up school to join a *Nihang* Sikh order. By the virtue of this association, he also used to

be known as Nindi Nihang although the CBI's list mentions his alias as Pratap Singh. Narinder was unmarried.

In late 1986, Narinder Singh had been detained and questioned under torture for his suspected connections with armed militant groups. Harcharan Singh Suri, SHO of Jandiala Guru Police station, where Narinder Singh was illegally detained for more than a month, had supervised his interrogation and then implicated him in a criminal case under the Arms Act. According to the family members, the SHO had done this to save him from summary execution in custody after several prominent persons of the village pleaded with him for mercy. Narinder Singh received a bail order that released him from jail.

In October 1987, several months after this incident, Narinder Singh reportedly went to Tarn Taran to celebrate 'Amavas', the 15th day of the dark half of the lunar month especially important to *Nihang* Sikhs, at its gurdwara. A few days later, one of his colleagues, Sukhdev Singh Nihang from Allowal village, visited Narinder Singh's parents at Bhorchi Brahmana village and informed them that the police, led by SHO Onkar Singh, had arrested their son outside the Tarn Taran Gurdwara.

Narinder Singh's parents, however, feared the police and did not try to rescue him. Some days later, they again received information that the Criminal Investigation Agency (CIA) staff at Amritsar had subjected Narinder Singh to brutal torture. The information was provided by some young Sikhs who had also been illegally detained by the CIA staff in Amritsar and had seen Narinder Singh. Baba Nirmal Das, the manager of Dera Baba Shri Chand, a *Nihang* Sikh camp, also informed the family that their son was in the illegal custody of Amritsar police.

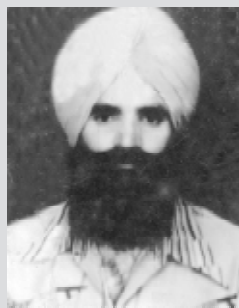
In the third week of October 1987, Punjabi newspapers carried a report about a supposed armed encounter between the police force and a group of four to five Sikh militants, culminating in their deaths. Narinder Singh's name was in the list of killed militants. The police carried out the cremation without informing the parents. The CBI's list mentions the cause of death to be "unavailable".

4. Under serial no. 8/028, the list identifies the cremation of Baldev Singh, s/o Harbhajan Singh, r/o village Sheikh Chakk on 29 February 1988 carried out by ASI Aatma Singh of Verowal police station, under FIR no. 49/88. The post-mortem report number is mentioned as AK-11/88. The cause of death is stated to be an "encounter."

The CCDP has acquired the following information through its incident report form no. CCDP/00750.

Baldev Singh, alias Billa, was 35, married to Gurmeet Kaur with three young children and lived in village Sheikh Chakk, post office Lalpur, under Tarn Taran's Sadar police station, in the Tarn Taran sub-division of Amritsar district. Baldev Singh's parents Bhajan Singh and Harbans Kaur also lived in the same house. Baldev Singh worked as a mason. He was a devout Sikh and did not belong to any political party or organization.

In early 1987, the Central Reserve Police Force (CRPF) then stationed at Fatehabad, illegally detained,



Baldev Singh

interrogated and tortured Baldev Singh for two months. He was released unconditionally.

On 25 February 1988, Baldev Singh left his home to visit his in-laws in village Bhooian near Fatehabad under Khadur Sahib in Amritsar district. He wanted to invite them to his sister's marriage. At Fatehabad, Baldev Singh took a rickshaw, along with another person, to reach Bhooian. On the way, the CRPF, stationed at village Khuaspur, stopped the rickshaw and took both Baldev Singh and his companion into custody. A resident of Bhooian village, who was well acquainted with Baldev Singh, witnessed the arrest on his way to fetch his children from a school in Fatehabad. The arrest occurred around 4 p.m.

This witness from Bhooian village immediately went to Baldev Singh's mother-in-law, Swaran Kaur, and told her about the arrests. Swaran Kaur traveled to Sheikh Chakk to inform Baldev's parents and her daughter the same evening.

The next morning, Baldev Singh's father Bhajan Singh, who has since expired, along with several village elders went to the CRPF camp at Khuaspur and met Tiwari, the commandant, who denied having Baldev Singh in his custody and did not even acknowledge arresting him.

On 29 February 1988, the local newspapers reported an "encounter" in which two "unidentified militants" were allegedly killed. Approached by the family members and village elders, SHO Tarlochan Singh Walia of Verawal police station admitted that Baldev Singh was one of those killed in the reported encounter. But the family was not informed about the cremation and was not able to carry out the last religious rites.

Baldev Singh's widow, Gurmeet Kaur, and her three children now live in Bhooian village near Fatehabad and are supported by her parents.

5 – 13: Under serial nos. 9/032, 10/033, 11/034, 12/035, 14/044, 15/045, 16/046, 17/047 and 18/048, the list identifies nine cremations carried out by SHO Karnail Singh of Bhikhiwind police station on 11 May 1988 under FIR no. 66/88. They are of: [1] Gurnam Singh, s/o Harbhajan Singh, r/o Ghariyala; [2] Darbara Singh, s/o Lakshman Singh, r/o Thatha; [3] Jaswant Singh, s/o Jora Singh, r/o Thatha; [4] Pratap Singh, s/o Resham Singh, r/o Kalsian; [5] Bhupinder Singh, s/o Kuldip Singh r/o Mehadpur; [6] Bhag Singh, s/o Kashmir Singh, r/o Palazadi Bud Singh; [7] Pritpal Singh, s/o Gurudayal Singh, r/o Gagobooha; [8] Surjan Singh, s/o Massa Singh, r/o Padri; and [9] Gurnam Singh, s/o Jarnail Singh, r/o Thatha. The post-mortem reports are marked as SSA-41/88, SS-42/88, SS-43/88, SS-44/88, VKA-58/88, VKA-59/88, VKA-60/88, VKA-61/88 and VKA-62/88. The cause of death in the first four cases is said to be "not available" and in the next five cases given as "police encounter".

The committee has gathered the following information through its incident report form nos. CCDP/01526, 01527, 01588, 01694, 01557, 01558, and 01528. The main informants are Darbara Singh's father Lachhman Singh; Jaswant Singh's father Jagir Singh Dodhi; Pratap Singh's widow Kulwinder Kaur; Bhag Singh's father Kashmir Singh; Pritpal Singh's brother Narinder Pal Singh; Harbhajan Singh, a village guard, in the case of Surjan Singh; and Gurnam Singh's father Jarnail Singh.

Twenty-two-year-old Darbara Singh, s/o Lachhman Singh and Gurbakhsh Kaur,

was a resident of Bajwa Patti in village Thatha, post office Ghariala under Bhikhiwind police station in Patti sub-division of Amritsar district. He had given up school to join Dam Dami Taksal, the center of orthodox Sikh learning once headed by Jarnail Singh Bhindranwale, to become a Sikh missionary. Darbara Singh was unmarried. By the virtue of this association, he became a suspect and the police began to raid his house and harass his family members.

Twenty-two-year-old Jaswant Singh, s/o Jagir Singh and Preetam Kaur, was a resident of Sidhu Patti in the same village of Thatha and the eldest of four brothers. Two of his brothers were soldiers in the Indian army. After studying till class VIII he began to help his father with his agricultural work. He was also unmarried.

Forty-one-year-old Pratap Singh, s/o Resham Singh and Bakhshish Kaur, was a farmer from Bunge Wale in Kalsian Kalan under Bhikhiwind police station in Patti sub-division of Amritsar district. He was married to Kulwinder Kaur and had three daughters and a son, Gursahib Singh, now 29. The youngest daughter Nirmal Kaur is 20.

Pratap Singh was a baptized Sikh and very religious-minded and, like most Sikhs, had been very upset with the Indian government for its June 1984 Operation Blue Star. Pratap Singh's house in his village was located in the outskirts, close to his fields, and the police began to suspect him of sheltering and feeding militants. As the police started raiding his house regularly, Pratap Singh, fearing torture and humiliation, decided to go underground. The police detained and interrogated other members of his family, including the women. His brother Kulbir Singh was held at Bhikhiwind police station and tortured brutally. Pratap Singh, however, did not surrender.

The person wrongly identified in the list as Bhag Singh was Tara Singh alias Taru. The youngest of three sons of Kashmir Singh and Jagir Kaur, he was 17-year-old and a resident of Talwandi Budh Singh, mentioned in the list as Palazadi Bud Singh, post office Bhangala, in Patti sub-division of Amritsar district. A baptized Sikh with a strong religious disposition, Tara Singh completed his matriculation in March 1988 and then joined the ranks of the militant underground. He never returned home again. Tara Singh was unmarried.

Pritpal Singh, s/o Gurdial Singh and Kuldeep Kaur, was only 18, and a resident of village Gaggo Booaha, and post office Gaggo Booaha under Jhabbal police station in Tarn Taran sub-division of Amritsar district. A religious-minded boy from a baptized Sikh family, Pritpal dropped out of school in class V and began to take interest in the Sikh militant movement. But the police had not arrested or interrogated him yet.

Twenty-four-year-old Surjan Singh, s/o Massa Singh and Tej Kaur, was from village Padhri Nikki, post office Padhri Kalan, in Tarn Taran sub-division of Amritsar district. He was married and had four children and, along with his four brothers, was engaged in farming. Surjan Singh was suspected of having ties with militants and had been arrested in 1987 under the Arms Act. He was released on a bail order six months later and left home to join the militant underground.

Seventeen-year-old Gurnam Singh, s/o Jarnail Singh and Jeeto, from Sidhu Patti in Thatha village in Patti sub-division of Amritsar district was the youngest of three brothers. After finishing his school, Gurnam trained as a compounder under a private doctor and set up his own medical practice in the village. His was an unauthorized medical practice, common in Punjab's countryside as also in other rural parts of

India, tolerated by the authorities largely because qualified doctors flock to cities. But the police also suspected him of having ties with militants.

All nine persons were killed in incidents of “encounters”, involving both the Punjab police and the CRPF, that took place on 10 May 1988. According to a report published in the Punjabi daily *Ajit* on 12 May 1988, the series of encounters began after Mohinder Kumar Khairat, commandant of 19 Battalion of the CRPF, managed to recover some diaries belonging to Gurnam Singh Ghariaala following a raid on a farmhouse in village Ghariaala. Gurnam Singh Ghariaala himself escaped the raid but the security forces obtained the addresses of several wanted terrorists from the diaries that he had left behind. A joint force of the CRPF and the Punjab police then laid a siege at village Makhi Kalan and killed Gurnam Singh Ghariaala and Bega Singh. Their companions escaped the encounter but were chased and killed at Kalsian and Sadhra villages. Some others were killed in an exchange of fire at Ajaib Singh’s tube-well in village Sadhra. The information was passed on to the press by Amrisar’s SSP Sanjiv Gupta.

We have not been able to identify who witnessed these “encounters” and the family members we spoke to did not suggest that they had been fake. All of them reached Bhikhiwind police station the same day, after receiving information about the incident from private sources, and were able to identify the bodies. Surprisingly, the police did not object to returning the bodies for cremation to the relatives, if members of the village councils accompanied them and signed certain papers. According to the relatives of Darbara Singh, Jaswant Singh and Gurnam Singh, all from Thatha village, the police returned the bodies and the cremations were carried out at the village cremation ground itself.

Relatives of Pratap Singh came to know about the “encounter” from a television report broadcast on the May 10 evening and they reached the police station the next morning. The police had already arranged for the cremations at Patti and allowed the family members and other village elders to attend.

Tara Singh’s father Kashmir Singh identified his son’s body at the Patti hospital. The body was cremated at the Patti cremation ground.

Pritpal Singh’s mother and his aunt also reached the police station by May 11. No male member of the family or members of the village council had accompanied them. By the time they turned up, the cremation, organized by the police, was underway. But they were allowed to attend.

No member of Surjan Singh’s family was able to reach the police station, and the Bhikhiwind police carried out the cremation by declaring his body as unclaimed.

It is a mystery that, while the relatives of Darbara Singh, Jaswant Singh and Gurnam Singh claim to have taken the bodies to their villages for the cremations, the CBI’s list shows all the cremations to have been carried out by SHO Karnail Singh of Bhikhiwind police station at Patti cremation ground.

14– 16: Under serial nos. 19/49, 20/50 and 21/51, the list identifies three cremations carried out by SHO Mohinder Singh of Valtoha police station on 29 June 1988 under FIR no. 86/88. They are of [1] Surjeet Singh, s/o Jagga Singh Jat, r/o Ghariyala; [2] Chanan Singh, s/o Puran Singh Jat, r/o village Assal Utar; and [3] Swaran Singh, s/o Gurmej Singh, r/o Assar Uttar. The post-mortem reports are marked as SLG 34/88, SLG 35/88 and SLG 36/88. The cause of death in all three cases is stated to be “police encounter”.

The committee has received the following information about Swaran Singh through its incident report form no. CCDP/01250. Jaswant Singh, the victim's brother is the main informant.

Swaran Singh, alias Samma, 24, resident of Asal Utar, Qila Sodhian Wala under Valtoha police station in Patti sub-division of Amritsar district, had been active in the agitation launched by the Akali Dal in July 1982. He was single and lived with his widowed mother. In the course of the Akali agitation prior to the army action in June 1984, Swaran Singh had courted arrest and had spent some time in jail. He did not have a criminal record, nor was he wanted in connection with any militant offence. But he sympathized with the militant movement for Khalistan and had friends who were involved in it.

On 28 June 1988, Swaran Singh, along with his friend Channan Singh, s/o Pooran Singh of Asal Utar, went with Surjit Singh, s/o Jagga Singh and resident of Ghariala, to a house in his village. Surjit Singh was a member of a militant organization and was wanted by the police. On reaching the house, the police abducted all three of them, apparently tipped off about their visit. Later, all three were shot in an orchestrated "encounter".

On 29 June 1988 morning, constables from Ghariala police post picked up Swaran Singh's brother, Jaswant Singh, for the identification of the bodies. After getting their post-mortems done at Patti Civil hospital, the police handed over the bodies to the families, who carried out the cremations. The CBI's list, however, mentions sub-inspector and SHO Mohinder Singh as the officer who requisitioned the cremations, contradicting the family's testimony.

17. Under serial no. 22/52, the list identifies the cremation of Amrik Singh, s/o Gurmej Singh Mahajan, r/o Ratoke, carried out by SHO Mohinder Singh of Valtoha police station on 10 August 1988 under FIR no. 102/88. There is no post-mortem report number. The cause of death is given as "police encounter".

The CCDP has gathered the following information about this case through its incident report form no. CCDP/01573. The main informant in this case is the victim's son Gurnam Singh.

Amrik Singh, s/o Gurmej Singh, a mason belonging to a poor *Mazhabi* family, was a resident of Mazhabian Da Vehra in Rattoke village in Patti sub-division of Amritsar district. He was married to Joginder Kaur with two sons, Gurnam Singh and Nishan Singh; they are now 20 and 18. Amrik focused on his work, commuting between his home and worksite on his bicycle. He had no political or militant connections and had never been arrested or interrogated prior to his killing.

On 9 August 1988 morning, Amrik, as usual, left for his worksite at village Dasuwal where he was building a drainage system. Around 9 a.m. that day, when Amrik and his colleagues had just started attending to their work, the Valtoha police, led by sub-inspector (SI) Mohinder Singh, got involved in an exchange of fire with a group of militants. The police chased the militants, firing at them. One of the bullets fired by the police hit Amrik Singh in his head and he died instantly. His family learnt about his killing around 11 a.m. when Valtoha police took Amrik's father Gurmej Singh down to the site to identify the body. The police officers expressed regret and admitted that they had killed an innocent person by mistake.

The next morning, after the post-mortem, the police handed the body over to the family members for the cremation, which was carried out at their village. However, the following day, the newspapers published a report, on the basis of a police handout, stating that a militant had been killed in an encounter at Dasuwal village. Amrik's family members had neither the resources nor the necessary contacts to challenge the lie and, fearing further reprisals, decided to remain silent.

However, Amrik's father Gurmej Singh was unable to cope with the death of his innocent son and the police injustice in declaring him a militant. Inconsolable, he died two months later from a heart attack.

Once again we notice that although his family members actually carried out his cremation in the victim's village, the CBI's list claims that SHO Mohinder Singh of Valtaha police performed it at Patti cremation ground.

18. Under serial no. 23/53, the list identifies the cremation of Shinda, s/o Sarwan Singh Jat, r/o Sur Singh under Bhikhiwind police station on 22 September 1988, carried out by SHO Mohinder Singh of Valtaha police station, under FIR no. 123/88. The post-mortem report is marked as SSA 38/88 and the cause of death is given as "police encounter".

The committee has gathered the following information about this case through its incident report form no. CCDP/01583. The main informant is Harbans Kaur, the victim's mother.

The actual name of the cremated person identified by the CBI as Shinda was Sawinder Singh. The list also wrongly identifies his father as Sarwan Singh. The correct name is Swaran Singh. They were residents of Patti Mahna Ki, village Sur Singh Wala, under Bhikhiwind police station, in Tarn Taran sub-division of Amritsar district. Unmarried at 25, Sawinder had been outraged by the Indian army's attack on the Golden Temple of Amritsar in June 1984 and became sympathetic to the militant movement. He went underground in 1986 or 1987 after the police began raiding his house with the intention of arresting him. After Sawinder left home, the police began to harass his family members, picking them up and holding them in illegal detention for information. His father Swaran Singh was brutally tortured and became physically disabled.

On 21 September 1988, Valtaha police, led by SHO Mohinder Singh, raided a house in Poonia village and arrested Sawinder Singh and his associate Jagir Singh. The police took both of them out to the fields in the outskirts of the village and shot them dead. Later that evening, the police informed Sawinder's family members about the "encounter", and after the identification and the post-mortem of the body, handed it over to them for cremation, which was carried out in the village.

The family members made detailed inquiries at village Poonia about the alleged "encounter" and discovered the true sequence of events. The newspaper reports about the "encounter", based on information given out by the police, identified both Sawinder Singh and Jagir Singh of Rasoolpur village by their names. However, the CBI's list of identified cremations only shows Sawinder's cremation, and it states that the cremation was carried out by the Valtaha police at Patti whereas the actual cremation was held in Sur Singh Wala village. The list does not show the second cremation of Jagir Singh. The two other lists of partially identified and unidentified

cremations, prepared by the CBI, also do not show any other cremation carried out by the police the same day.

Sawinder's father Swaran Singh, who had earlier suffered brutal torture, remained physically disabled and bed-ridden, and died a few years later.

19 – 20: Under serial nos. 24/54 and 25/55, the list identifies two cremations on 5 November 1988 carried out by SHO Dara Singh of Harike police station, under FIR no. 193/88. They are of: [1] Karam Singh, s/o Teja Singh, r/o Durgapur; and [2] Balwinder Singh, s/o Darbara Singh, r/o Warian. The post-mortem reports are marked as VKA 131/88 and VKA 132/88. The cause of death is given as “police encounter”.

The committee has collected the following information through its incident report form nos. CCDP/01622 and 01623. The main informants are Karam Singh's widow Balwinder Kaur and Balwinder Singh's brother-in-law Surjit Singh.

Twenty-eight-year-old Karam Singh, s/o Teja Singh and Jagir Kaur, was a farmer from village Dargapur under Sarhalli Kalan police station in Tarn Taran sub-division of Amritsar district. The eldest of six brothers in the family, Karam Singh was married to Balwinder Kaur with a daughter, now 20, and two sons, 19 and 17. Karam Singh had no political background. However, in the wake of Operation Blue Star, Karam Singh began to express views in favor of an independent Sikh state. The police became suspicious and started raiding his house. Karam Singh, fearing torture, deserted his home. The police instead picked up his family members, coercing them to produce him for an interrogation. Even though they had no information about Karam Singh, the police pressure did not relent.

Sarhalli police raided Karam Singh's house in the last week of October 1988 and took his brother Sukhdev Singh into their custody. They forced him to come along with them to village Kawan under Goindwal police station where Karam Singh's in-laws lived. Karam Singh, who had taken shelter with his in-laws, was arrested along with two of his brothers-in-law, Malkeet Singh and Avtar Singh. The police released his brother and brought Karam Singh and his brothers-in-law to Sarhalli police station. Four days later, Avtar Singh and Malkeet Singh were also released after their family members paid SHO Gurdev Singh a bribe of Rs. 10,000. The police did not release Karam Singh, whom they had tortured brutally in the presence of his brothers-in-law. His family could not obtain direct information about what happened to him after the police released Malkeet Singh and Avtar Singh from illegal custody.

The family members failed to take note of a newspaper report that described Karam Singh's killing in a supposed encounter, along with another “militant”, and continued to visit SHO Gurdev Singh of Sarhalli police station in the hope of getting him released. However, towards the end of November 1988, some distant relatives and village elders were able to convince Karam Singh's parents that their son was no more and to carry out his last rites although they had neither attended the cremation nor collected his ashes.

The correct name of the cremated person identified in the CBI's list, Under serial no. 25/55, as Balwinder Singh is Baldev Singh. Fifteen-year-old Baldev was the youngest of three sons born to Darbara Singh and Surjit Kaur, a poor family of landless peasants living in village Variah, post office Naushehra Pannuan under

Sarhalli Kalan police station in Tarn Taran sub-division of Amritsar district. Due to poor financial condition Baldev had to drop out of school at the primary level and help his father cultivate other people's land as a hired laborer and sometimes as a sharecropper. Baldev had no connections with the militant movement and had never been arrested or interrogated by the police. Baldev Singh and Karam Singh were not personally acquainted.

However, Baldev Singh was the second "militant" killed along with Karam Singh in the "encounter" that had been staged, according to the newspaper reports, during the night of 4 November 1988 near village Marar under Harike police station. In the third week of October 1988, SHO Gurdev Singh of Sarhalli police station picked up Baldev Singh from his house along with his brother Balwinder Singh and locked them up in separate cells. Balwinder was not tortured so severely, but he remained petrified by his brother's screams, which he heard for hours together every night while he was interrogated. This went on for several days. But he was not able to see or talk to Baldev.

Darbara Singh, the father of the two boys, had been meeting the SHO of Sarhalli police station to plead with him for their release. Towards the end of October, the head of the village council met Darbara Singh to convey a message from the SHO that his sons would be released if he paid Rs. 60,000. Darbara Singh was a poor landless peasant and it was impossible for him to raise such a huge amount of money.

A few days later, Balwinder was released but Baldev remained in police custody. According to Balwinder, Harike Police had taken his brother away the night before his release. The SHO was very evasive whenever Darbara Singh met him over the next days to inquire about his second son.

Soon, the family found out that the police had killed Baldev in an "encounter" near village Marar under Harike police station. Darbara Singh went to Marar village to make enquiries and found that earlier in November, the police had come to the village with two young Sikhs and had killed them after staging a fake encounter. At the site of the "encounter", Darbara Singh found a woollen shawl that his son was wearing when the police had taken him away. He came back to his village with Baldev's shawl that the police had left behind after killing him and went on to hold a religious ceremony to mark his son's death, although he had neither attended the cremation nor collected his ashes.

Darbara Singh was not in a position to initiate any action against the killers of his son. But together with his family, he decided to leave the village.

Baldev's sister and her husband Surjit Singh, who live in the neighboring village of Kheda, near Naushehra Pannuan, provided this information.

21. Under serial no. 26/57, the list identifies the cremation of Dalbir Singh, alias Beera, s/o Surjan Singh, r/o Kang, on 5 November 1988 carried out by SHO Surinder Singh of Tarn Taran's Sadar police station, under FIR no. 146/88. The post-mortem report is marked as PS-68/88. The cause of death is stated as a "police encounter."

The committee has acquired the following information about this case through its incident report form no. CCDP/01241. Manjit Kaur, the victim's widow, is the main informant.

Dalbir Singh, s/o Surjan Singh, resident of Kang, Chhote Kang under Tarn Taran's Sadar police station, was a 40-year-old farmer with 14 acres of land. He was married to Manjit Kaur and had three sons and two daughters. Dalbir Singh was a baptized Sikh.

The officials from Tarn Taran Sadar police station suspected Dalbir of having militant connections and began to raid his house in early 1988. When the house was first raided, Dalbir Singh was away and the police, accompanied by a team of the CRPF, took away his sons, Teja Singh and Subeg Singh. The police brutally tortured both of them but released them after some days when the village elders intervened and promised to locate Dalbir Singh and produce him before the police. Both Teja Singh and Subeg Singh were also told to report daily to their village police post.

Police officials at Sadar police station Tarn Taran, told the village elders that Dalbir Singh's family had been giving shelter to Sikh militants. The family members admitted the charge but argued that since their house was situated on farmland, in the outskirts of the village, they could not refuse shelter to armed militants when they turned up unannounced and demanded food. Fed up by these harassments and the pressure from frequent police raids, Dalbir Singh and family decided to shift residence to Delhi where Dalbir Singh's brother Gurdial Singh had a house and ran a transport business.

Towards the end of October 1988, a team of police officers from Tarn Taran raided Gurdial Singh's house in Delhi and took Dalbir Singh, his son Teja Singh, his brother Gurdial Singh and the driver of his truck Dara Singh, originally from Lalpura village, with them to Tarn Taran. Dalbir Singh's wife Manjit Kaur, along with her daughters and the youngest son Major Singh, went away to her parents' home in Uttar Pradesh.

On 5 November 1988, the police staged an "encounter" near village Pakho Ke in which Dalbir Singh and his son Teja Singh were shown killed along with three others. The encounter was reported in the local newspapers, based on a statement issued by SSP Sanjiv Gupta. A report in *Ajit*, published on 6 November 1988, only identified Dalbir Singh by his alias Beera and his village name, Kang. The SSP referred to him as a hardcore terrorist.

The CBI's first list only refers to 5 November 1988 cremation of Dalbir Singh. His son Teja Singh's cremation is recorded in the CBI's list of partially identified cremations, Under serial no. 08/56, and is summarized in the appropriate section of this report. The family was not informed about the cremations.

Dalbir Singh's brother Gurdial Singh and his driver were implicated in criminal cases and sent to jail. Gurdial Singh came out on bail after six months.

Some weeks after this incident, Dalbir Singh's younger son Subeg Singh went to Punjab to make inquiries and to arrange for someone to take care of his home and agricultural land. He stayed for a night in his paternal aunt's house in village Talwandi Sobha Singh Wali and then started for Amritsar in a bus. The police reportedly nabbed him on the way, near Jhabbal and also killed him in an "encounter".

Manjit Kaur and her remaining children did not return to their village until 1990. Gurdial Singh too moved his residence to Mumbai where he now lives. The police continued to raid the house after Manjit Kaur returned to her village in 1990, picking up Major Singh for interrogation. Manjit Kaur sold some acres of her land to bribe the police officials to leave him alone.

22 – 23. Under serial nos. 27/64 and 28/65, the list identifies two cremations on 21 December 1988, carried out by Tarn Taran’s Sadar police station, under FIR no. 163/88. They are of: [1] Karaj Singh, s/o Suba Singh, r/o Bhure Kane; and [2] Ramesh Singh, s/o Sher Singh, r/o Bhode Khurd. The post-mortem reports are marked as PS 76/88 and PS 77/88 and the cause of death is said to be “CRPF encounter”.

The committee has gathered the following information about Karaj Singh through its incident report form no. CCDP/01664. The main informant is the victim’s mother Balbir Kaur.

Twenty-five-year-old Karaj Singh, son of Suba Singh and Balbir Kaur, was a resident of village Bhoora Kohna under Khemkaran police station in Patti sub-division of Amritsar district. After his matriculation, Karaj Singh obtained a degree called *Gyani* in the Punjabi language and literature, and began working for the SGPC. Karaj Singh was unmarried.

In 1985, Amritsar police arrested Karaj for interrogation and then implicated him in four criminal cases under the Terrorist and Disruptive Activities (Prevention) Act (TADA). He remained in jail for nearly two-and-a-half years, until September 1988 when the court acquitted him in two cases and granted release on bail in the other two pending cases against him. After his release, Karaj Singh began to help his father with the agricultural work.

According to Balbir Kaur, on 19 December 1988, around 9 a.m. a CRPF team officers arrested Karaj Singh near Pakhoke while he was on his way to village Bagarian. Karaj Singh was interrogated and then killed along with Sher Singh, resident of Bagge Khurd village in Ferozepur district, in an encounter staged near village Pakhoke. The CBI’s list wrongly identifies the second person as Ramesh Singh, s/o Sher Singh, r/o Bhode Khurd.

On December 20 morning, a group of officials from Khemkaran police station came to the house and asked his father Suba Singh to go to the mortuary of Tarn Taran’s civil hospital to identify a body. Suba Singh, accompanied by several members of the village council, went to Tarn Taran hospital and identified his son’s body. The SHO asked Suba Singh and his companions to collect the body for cremation next morning. However, he refused to handover the bodies of Karaj Singh and Sher Singh to their relatives on the ground that they had been recorded as “unclaimed”. The police carried out the cremations at Tarn Taran.

According to Balbir Kaur, in two separate incidents, the police also arrested and killed Karaj Singh’s two cousins:

- [1] Balaur Singh, s/o Amrik Singh, resident of Kalia Sakatteran in Patti sub-division of Amritsar district. Balaur Singh was an employee of the Market Committee at Chheharta in Amritsar;
- [2] Gurmukh Singh, s/o Jagir Singh, also a resident of Kalia Sakatteran.

24 - 25. Under serial nos. 32/75 and 33/76, the list identifies two cremations carried out by ASI Baljeet Singh of Jhabbal police station on 7 May 1989. They are of [1] Hardeep Singh, s/o Raghubir Singh, r/o village Gago Bua; and [2] Gurdev Singh, s/o Darshan Singh, r/o village Tattle. There is no mention of the FIR no. The post-mortem reports are marked as AK 12/89 and AK 13/89. The

cause of death is given to be “CRPF encounter”.

The committee has gathered the following information about these cases through its incident report form nos. CCDP/01391 and 01580. The main informants are Hardeep's father Raghbir Singh and Gurdev's brother Avtar Singh.

Hardeep Singh of Gaggo Boooha village, Patti Masoor Ki, under Jhabbal police station in Tarn Taran sub-division of Amritsar district, was a 20-year-old man, who used to help his father Raghbir Singh with his agricultural work. He did not have any political affiliation or any police record. However, he knew some young Sikhs in the village who were involved in the militant movement for Khalistan.



Gurdev Singh

On 20 April 1989, Hardeep was staying at his aunt Charan Kaur's house in village Jora when the Tarn Taran police, jointly with the CRPF, raided the village and took him into custody. Since Hardeep was not a resident of the village, the police officials decided to verify his antecedents and promised to release him after making inquiries. The next day, Charan Kaur informed her brother Raghbir Singh and other family members about the arrest. Raghbir Singh, along with several village elders, met several police officials in Tarn Taran who expressed their ignorance, but promised to help in tracing him.

On 7 May 1989, Raghbir Singh was in Jhabbal when he learnt about a police encounter near village Sohal, under Jhabbal police station, in which two young Sikhs, including one from Gaggo Boooha, had been killed. Immediately, Raghbir Singh went to the Jhabbal police station where assistant sub-inspector Kashmir Singh told him that the bodies had been sent to Tarn Taran for post-mortem. At the hospital in Tarn Taran, he was told that the police had already taken the bodies for cremation. When he reached the cremation ground, the CRPF personnel did not let him in. The next day, ASI Kashmir Singh at Jhabbal Police station told Raghbir Singh that one of the boys killed in the encounter was indeed his son, Hardeep Singh.

Raghbir Singh also found out that the second person killed in the “encounter” was 18-year-old Gurdev Singh, s/o Darshan Singh, r/o “Kamalpuria” in village Tatle, post office Padhri Kalan, under Jhabbal police station, in Patti sub-division of Amritsar district.

Gurdev was the youngest of Darshan Singh's five sons and three daughters and, like Hardeep, used to work on his father's land. He had no political or militant affiliations nor any police record. He was a baptized Sikh and conspicuously devout.

Around 7 a.m. on 29 April 1989, a group of CRPF officials led by inpector Tiwari raided Gurdev's house and arrested him along with his two brothers, Balkar Singh and Avtar Singh, and two of his cousins, Sukhdev Singh and Gurbhag Singh, sons of Sulakhan Singh. Inspector Tiwari told Darshan Singh that he was taking all the arrested boys to the police post at Sur Singh, but he actually took them to the local CRPF headquarters at Kutcha-Pucca.

A group of officers started interrogating Gurdev, accusing him of being a militant and of maintaining a cache of arms for terrorist activities. He was asked to confess, and then the officers began to torture him. His brothers heard him screaming, but the

torture did not end even as Gurdev continued to deny the allegations. After some time, the police brought Hardeep Singh, s/o Raghbir Singh of Gaggo Boooha village into Gurdev's interrogation room and was made to repeat the allegation that he possessed weapons. As Gurdev continued to deny these allegations, the police increased the severity of his torture. In the end, he collapsed unconscious. His brothers later noticed some policemen dragging Gurdev away to a different cell in which he was locked up. The joints of his right hand and left ankle appeared fractured.

Around 11 a.m. their family members, accompanied by several village elders, reached the CRPF post at Kutcha-Pucca. Inspector Tiwari ordered the release of Sukhdev and Gurbhag, sons of Sulakhan Singh, and handed them over to the members of the village council. But Gurdev and his brothers were not released. Some hours later, some CRPF personnel took them in their vehicle to the CIA staff interrogation center at Tarn Taran. Gurdev was unable to move and had to be physically lifted into the vehicle. At the interrogation center, Gurdev was taken out of the vehicle but his two brothers were ordered to remain seated. They were released around 7 p.m. that evening.

Meanwhile, the family members accompanied by the head of the village council and other elders had gone to look for Gurdev Singh and his brothers at Tarn Taran's Sadar police station. The SHO accused them of helping militants and ordered them to be locked up. They were released many hours later when a senior Akali leader Major Singh Uboke, former member of Parliament (MP), intervened.

Over the next days, Gurdev's family, assisted by members of the village council, continued to meet various police officials to pursue his release. They received vague assurances that he would be released after the completion of the investigation.

Early morning on 7 May 1989, the police staged an "encounter" at a lonely spot between Sohal and Bhuchar Kalan villages in which Gurdev and Hardeep were declared killed. The story released to the press said that both of them were crossing into India from Pakistan, with a consignment of arms and ammunition and riding a tractor. When challenged by the police, they opened fire. They were killed in retaliatory fire by the police. The police claimed to have recovered AK-47 rifles, assault rifles, rocket launchers and bombs from the site of the encounter. On 8 May 1989, all the Punjab newspapers dutifully reported the police version of the story.

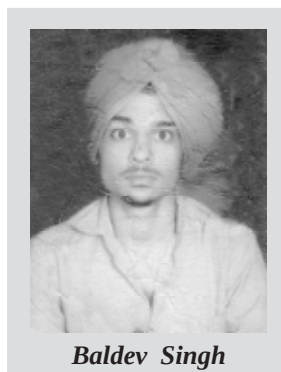
The family members collected Gurdev's ashes from the cremation ground the next day.

26. Under serial no. 34/77, the list identifies the cremation of Baldev Singh alias Gulla Singh, s/o Ajit Singh Jat, r/o Khabe Rajput, on 8 May 1989 carried out by SHO Surinder Singh of Tarn Taran's Sadar police station, under FIR no. 31/89. The post-mortem report is marked as HSS 35/89 and the cause of death is stated to be "police encounter".

The committee has collected the following information about this case through its incident report form no. CCDP/01512. The main informant is the victim's father Ajit Singh.

Twenty-two-year-old Baldev Singh alias Ghulla, son of Ajit Singh and Charan Kaur, was a resident of Khabbe Rajputan, post office Luhka, under Patti police

station in Tarn Taran sub-division of Amritsar district. His family members were baptized Sikhs. After his matriculation, Baldev, like his elder brother, became a technical apprentice at the Sherpur Thrasher Company in Ludhiana in 1987 and trained himself as a proficient mechanic. In October or November 1987, CRPF officials arrested Baldev while he was on his way to his village. His family came to know about the arrest and approached superintendent of police SP (operations) Khubi Ram to either release him or bring him before a court. Khubi Ram told them that Baldev was innocent and they should get him released from Jhabbal police station. When the family members approached the SHO of Jhabbal police station, he demanded a bribe of Rs. 50,000 for Baldev's release. When Baldev's family members could not raise the money, the SHO registered several cases of murder and robbery against him and sent him to jail. Baldev was released on bail 11 months later and he resumed his work at the thrasher company in Ludhiana.



Baldev Singh

In the first week of May 1989, when Baldev Singh had come home on leave, a group of officers from Sadar station in Tarn Taran raided his house and took him into custody. The family members were told that Baldev was needed for an inquiry and that they should come to the police station to talk to the SHO about the matter.

A few hours later, Baldev's father, Ajit Singh, accompanied by several members of the village council and others went to Tarn Taran's Sadar police station. However, the SHO refused to admit to Baldev's custody and told them to look for him at other police stations.

On 8 May 1989, around 11 a.m. another group of officers from Tarn Taran's Sadar police station came to Baldev's house and forced his mother and a member of the village council to come along with them to the police station to identify Baldev's body. After identification, the SHO handed over the body to the family members and the cremation was carried out at the village in the presence of a large number of its residents. It is not clear why the cremation figures in the CBI's list of identified cremations carried out by the police.

The family was unable to ascertain the circumstances in which Baldev had been killed.

27 – 28. Under serial nos. 35/78 and 36/79, the list identifies two cremations on 28 May 1989 carried out by ASI Shingara Singh of Harike police station, under FIR no. 46/89. They are of: [1] Bachitter Singh, s/o Kartar Singh Jat, r/o Kalra; and [2] Balwinder Singh alias Pappu, s/o Joginder Singh Jat, r/o Lahuka. The post-mortem reports are marked as VKA 22/89 and VKA 23/89. The cause of death is stated as “police encounter”.

The CCDP has collected the following information regarding Bachitter Singh from its incident report form no. CCDP/01696. The main informant is the victim's nephew Gurnam Singh.

Twenty-four-year-old Bachitter Singh, s/o Kartar Singh and Balwant Kaur, was a

resident of Sidhwan village, post office and police station Khalra, in Patti sub-division of Amritsar district. Bachitter, who began to work on his father's agricultural farm after his matriculation, was unmarried.

A baptized Sikh, Bachitter Singh was deeply affected by the June 1984 "Operation Blue Star" and began to associate himself with persons inclined towards an armed resistance against the Indian government. When the police began to raid his house, Bachitter dodged his arrest and went underground. The police officials illegally detained his family members on different occasions and tortured them in custody for information to arrest him, but to no avail.

In the second week of May 1989, Bachitter was traveling in a three-wheeler taxi from village Gaggo Boooha to Jhabbal when he was arrested near a checkpoint set up by the Jhabbal police station. The three-wheeler belonged to Kewal Singh of Sidhwan village and he knew to Bachitter's family. Kewal Singh went to Khalra village and immediately informed Bachitter's family about the arrest.

Three days after his arrest, Jhabbal police brought Bachitter to his house for a search. All the family members and several residents of the village saw Bachitter Singh in police custody. The search did not yield anything incriminating. The family members approached several influential persons of the area to intervene to save Bachitter's life. But no one was able to help.

On 29 May 1989, several newspapers published a report about an encounter near Keerian Wala village, which the Harike police had staged to show that Bachitter Singh and his associate Balwinder Singh of Luhka village, recorded in the CBI's list as Lahuka, had been killed. Bachitter's family members then went to Harike police station to ask for the body, but were told that the cremation had already been performed. The family was unable to take any action.

According to Gurnam Singh, our informant in this case, three other persons of his neighboring village Sidhwan were also arrested and killed by the police. Their names are:

- [1] Fatta Singh, s/o Samunder Singh;
- [2] Karaj Singh; and
- [3] Jagga Singh, s/o Jagtar Singh.

29 - 30. Under serial no. 37/99 and 38/100, the list identifies two cremations on 3 July 1989 carried out by the SHO of Harike police station, under FIR no. 51/89. They are of [1] Sarbjeet Singh, s/o Tirath Singh, r/o Nagoke; and [2] Gurbir Singh alias Raju, s/o Joginder, r/o Jhabbal. The post-mortem reports are marked as VKA 49/89 and VKA 50/89. The cause of death is stated as "firearm injuries".

The committee has collected the following information regarding Sarbjeet Singh through its incident report form no. CCDP/01437. The main informant is his widow Kulbir Kaur.

Sarabjit Singh, s/o Tirath Singh, was 27 and lived in Nagoke village, Patti Lakhi Ki, under Verowal police station within Tarn Taran sub-division of Amritsar district. A clerk with the Punjab State Electricity Board, posted at Nagoke sub-station, Sarabjit was married to Kulbir Kaur and had two young sons. He was a baptized Sikh sympathetic to the Akali Dal, but had no militant connections.

On 27 June 1989 morning, SHO Anokh Singh of Verowal police station raided Sarabjit's house and detained him in illegal custody for interrogation for four days. He then produced Sarabjit in the court of a judicial magistrate at Tarn Taran in connection with a TADA case to seek remand for investigation. The magistrate granted the remand and directed the police to produce Sarabjit in the court again on 3 July 1989. On July 2, Sarabjit's elder brother Arjan Singh and other village elders met him in the Verowal police lock up and discussed their legal concerns.

On the morning of July 3, Sarabjit's family members were getting ready to go to the court in Tarn Taran where he was to be produced when they read a news report in *Ajit* about an encounter near village Dhunn Dhahe under Harike police station. The report disclosed the killing of Sarabjit Singh and Gurinder Singh when the police were allegedly taking them to recover weapons. It quoted the police sources as claiming that a group of militants attacked the police convoy with the intention of rescuing Sarabjit Singh and Gurinder Singh and, in the ensuing exchange of fire, both of them and another unidentified militant were killed.

After reading the news report, the family members, accompanied by village elders, went and met the senior superintendent of police (SSP) of Tarn Taran to request him to give Sarabjit's body to the family for cremation. The SSP refused, but allowed them to see the body at the Patti hospital where it had been sent for post-mortem. The police carried out the cremation.

The CBI's list mentions the cremation of Gurbir Singh [Serial no. 38/100], which the SHO of Harike carried out on 3 July 1989 along with that of Sarbjeet Singh at Tarn Taran. It is not clear whether Gurbir Singh was the second person killed in the alleged encounter. The third cremation is recorded in the CBI's unidentified list Under serial no. 50/98 as having been carried out by the SHO of Harike police station, under FIR no. 51/89, on 03 July 1989. The post-mortem report is marked as VKA-51/89.

31. The CBI List, Under serial no. 39/107, identifies the cremation of Sukhwinder Singh, alias Nikku, s/o Darbara Singh, r/o village Bengalipur on 13 July 1989 carried out by constable Lakha Singh, No. 2619, of Tarn Taran's city police, under FIR no. 108/89. The post-mortem report is mentioned as AK 34/89. The cause of death is mentioned as "police encounter".

The committee has gathered the following information on this case through its incident report form no. CCDP/01426. The main informant is the victim's brother Harjinder Singh.

Sukhwinder Singh, a 25-year-old farmer, lived in Bengali Pur under Tarn Taran Sadar police station of Amritsar district. He was married but had no children. Following his enforced disappearance in July 1989, his wife has remarried.

Sukhwinder's parents died while he was young and he, along with his younger brothers and sisters, were raised by his grandparents. After Operation Blue Star in June 1984, Sukhwinder, a baptized Sikh, had become involved in the movement for Khalistan. The police used to detain him regularly for questioning under torture, and once even registered a criminal case against him. He was released on bail, but the police continued to detain him illegally for interrogation under torture.

On 12 July 1989, Sukhwinder went to meet some friends in Tarn Taran city. A group of officials led by SHO Sita Ram from Tarn Taran city police station took him

into custody near Nangian Pairan Wala Chowk and thrashed him severely in public when he resisted the arrest. He was bleeding and unable to walk when the police officials lifted him into a jeep and drove away. The family members came to know about the arrest late in the evening.

The next morning, Sukhwinder's brother Harjinder Singh, accompanied by a large number of local people, went to Tarn Taran police station and learnt that Sukhwinder had died in the police lock-up. The senior police officials refused to hand over the body to the relatives, but allowed some of the village elders to take a look at it. The police carried out the cremation and did not permit the family members and their sympathizers to come near the site.

32. Under serial no. 40/108, the list identifies the cremation of Baldev Singh, s/o Jagmohan Singh, r/o Bhikhiwind, on 14 July 1989 carried out by inspector Paramjeet Singh of Bhikhiwind police station under FIR no. 52/89. The post-mortem report is marked as VKA 60/89 and cause of death is mentioned as "firearm injuries".

The committee has acquired the following information through its incident report form no. CCDP/00645. The main informant is the victim's father Karnail Singh.

Baldev Singh, alias Deba, s/o Karnail Singh alias Jagmohan Singh from Patti Dass Ki, Bhikhiwind in Patti sub-division of Amritsar district, was a 24-year-old farmer who was unmarried and lived with his parents.

The police suspected Baldev, a baptized Sikh, of maintaining contacts with the Khalistani militant organizations and implicated him in several criminal cases, also under TADA. Baldev came out on bail and, thereafter, spent much time attending the various court proceedings.

On 13 July 1989, Baldev, accompanied by his mother Harbans Kaur, boarded a bus at Bhikhiwind for Patti as he had a court date to attend. On the way, near village Boor Chand, a mixed group of officials from the Bhikhiwind police and the CRPF boarded the bus and asked Baldev Singh to accompany them. His mother asked the officials to explain why and where they were taking her son, but they refused to answer. The police forced Baldev Singh into a police vehicle and drove away. The same day, the police claimed to have killed a terrorist named Baldev Singh in an encounter. His body was shown to the family members for identification at Bhikhiwind police station, but the cremation itself was carried out by the police at Patti cremation ground.

According to Baldev's father Karnail Singh, alias Jagmohan Singh, the police had mistaken his son for a known militant known as Pinder, s/o Mohanbir Singh, r/o Mari Saur Singh, and killed him without ascertaining his actual identity. He also suggests that after killing his son, the police officials took the award announced for capturing or killing Pinder who, in his knowledge, still lives in the United States.

33. Under serial no. 42/110, the list identifies the cremation of Rattan Singh, s/o Chanan Singh, r/o Kalah, on 25 July 1989 carried out by ASI Tarlochan Singh of Tarn Taran's Sadar police station, under FIR no. 63/89. The post-mortem report number is not mentioned. The cause of death is stated to be "police encounter".

The committee has acquired the following information through its incident report form no. CCDP/01517. The main informant in this case is the victim's widow Kulwant Kaur.

Thirty-five-year-old Ratan Singh, s/o Channan Singh and Guron, was a farmer from village Kalla, post office Kalla under Sadar police station in Tarn Taran subdivision of Amritsar district. He was married to Kulwant Kaur and they had two daughters, Ninder Kaur and Ramandeep Kaur, who are now 16 and 14.

Ratan Singh was a Punjabi farmer and his house was located next to his agricultural land on the outskirts of the village. He did not belong to any political party and never had any militant connections. However, he was involved with the developmental work in his village and was an elected member of the village council.

On 24 July 1989, when Ratan Singh, was returning home in the evening around 6:30 p.m. after supervising the construction of a sitting platform in the centre of the village, a joint force of the Punjab police and the CRPF, engaged in a chase and hunt operation on the trail of some militants, was approaching Kalla village from the side of Ratan Singh's fields and his house. As Ratan Singh was walking down to his house, the security personnel, mistaking him for a militant, started firing. Ratan Singh was already inside the courtyard of his house and his family members were coming out to welcome him when a bullet hit him in the chest and he collapsed on the spot. Ratan Singh's family members panicked. Assuming that intruders were breaking into the house, they ran out towards their fields. The security personnel stopped firing and, announcing themselves, asked the family members to return. Then they conducted a search and found Ratan Singh's body. The Punjab police and the CRPF personnel then loaded the body into their vehicle and went away. It was already dark and the family members could not do anything.

The next morning, Ratan Singh's family, together with a large number of village residents riding tractor trollies, reached Tarn Taran's Sadar police station. The police officials, led by Sita Ram, were very conciliatory and admitted that they had killed Ratan Singh by mistake and on the basis of wrong information. Sita Ram promised to provide all possible help to obtain proper compensation to the family members and, expressing regret, handed over the body to the family members. The cremation was carried out at the village cremation ground in the presence of a large gathering of mourners on 25 July 1989.

However, the next morning, based on a police handout, several newspapers in Punjab reported the incident as an "encounter" and identified Ratan Singh as a militant. It was a period of pervasive police terror and the family, not being in a position to fight the police establishment, decided to keep quiet.

It is not clear how this cremation figures in the CBI's list of identified bodies cremated by the police officials at Tarn Taran cremation ground when, in fact, it had been conducted by the family in the village itself.

34. Under serial no. 43/113, the list identifies the cremation of Kartar Singh, s/o Makhan Singh Jat, r/o Bhai Ladhu, carried out by ASI Mohal Lal of Bhikhiwind police station, on 21 August 1989, under FIR no. 58/89. The post-mortem report is marked as VSU 39/89 and the death is attributed to "firearm injuries".

The committee has gathered the following information through its incident

report form no. CCDP/01589. The main informant is the victim's son Sukhdev Singh.

Fifty-five-year-old Kartar Singh, s/o Makhan Singh and Dial Kaur, was a small farmer resident of Bhai Ladhu village, post office Kalsian Kalan under Bhikhiwind police station, in Patti sub-division of Amritsar district. He was married to Gopal Kaur and had two adult sons, Sukhdev Singh and Resham Singh, who are now 40 and 31. He had no links with any political or militant associations, nor any police record.

In the night on 21 August 1989, Kartar Singh was watering his fields when a group of Bhikhiwind police officials combing the area for militants, opened fire and shot him dead. Although the family members heard the gunshots and were anxious, they did not step out of the house to check if Kartar Singh was safe because of the atmosphere of terror. Next day, around 9 a.m. some policemen came to Kartar Singh's house and informed the family members about what they called "an accident". Expressing regret, they took the family members to Patti civil hospital and after the post-mortem handed over the body, to the family. The cremation was carried out at the village cremation ground.

The next day, based on police sources, all Punjab newspapers published a story that described the incident as an "encounter" and Kartar Singh as a dreaded militant. The family was unable to take any action against the police. Kartar Singh's father could not bear the shock of his son's unjust killing and died three months later.

Once again, we see that a cremation that was carried out by the family members in their village is recorded by the CBI as a cremation of a militant by the police at Tarn Taran cremation ground.

35. Under serial no. 45/115, the list identifies the cremation of Gurdev Singh, s/o Amrik Singh, r/o Harike, carried out by ASI Govinder Singh of Harike police station, on 7 August 1989, under FIR no. 60/89. The post-mortem report is marked as VKA 65/89 and the death is attributed to "firearm injuries".

The committee has acquired the following information through its incident report form no. CCDP/01593. The main informant is Harjit Kaur, the victim's widow.

Twenty-six-year-old Gurdev Singh, s/o Amrik Singh and Mohinder Kaur, from Purana Harike under Patti sub-division of Amritsar district, was, unlike other Jat Sikhs of Punjab, clean-shaven. This indicated that he was not too religious. Gurdev, the oldest of the two brothers and a small farmer, was married to Harjit Kaur. He was the father of two sons and a daughter. No one in his family had any political or militant affiliations or a police record.

Around 7 p.m. on 6 August 1989, Gurdev was returning home after the day's work in the fields, when a group of police officials from Harike mistook him for a militant they had been chasing and opened fire. Gurdev sustained bullet injuries on his forehead, neck and arm and he died on the spot. The family members did not learn about the incident until the next morning when, while searching for him, some villagers found Gurdev's body. Soon, the Harike police arrived and took the body to Patti civil hospital for a post-mortem and decided to carry out the cremation themselves. Confronted by the village council members, the SHO admitted that Gurdev had been killed by mistake. However, the newspapers reported the incident, based on

information given by the police, as an encounter declaring Gurdev Singh to be a militant. The reports quoted the SHO of Harike police station as claiming that Gurdev Singh was guiding three armed terrorists across a barrier set up by the security forces when the encounter took place. The three terrorists managed to escape, but their guide Gurdev Singh was caught and killed in the exchange of fire. According to the newspaper reports, the police also claimed to have found a Chinese-made AK-47 assault rifle and cartridges near Gurdev Singh's body.

A leading Punjabi newspaper, *Ajit*, published a long article on 17 August 1989, questioning the police claims and referring to popular resentment in the area for killing an innocent man and then insulting his memory by concocting the story about the encounter. There was no official reaction to the story and the family did not dare to legally challenge the police highhandedness.

36. Under serial no. 46/117, the list identifies the cremation of Dara Singh, s/o Geja Singh, r/o Verowali village, carried out by SHO Ram Nath of Valtoha police station, on 8 August 1989 under FIR no. 82/89. The post-mortem report is marked as VKA 6689 and the cause of death is given as "firearm injuries".

The committee has acquired the following information about this case through its incident report form no. CCDP/01663. The main informant is the victim's son Rachhpal Singh.

Dara Singh 50, son of Geja Singh and Kartar Kaur, was a farmer and a milk vendor and lived in Varnala village, Jamanian Di Patti, under Valtoha police station, in Patti sub-division of Amritsar district. He was a matriculate and married to Jagir Kaur. He had three adult children, Rachhpal Singh, his eldest son, and two daughters, Gurmeet Kaur and Nirmal Kaur. Dara Singh did not have a political background and was not associated with the militant movement. He did not have a police record. His elder brother Pooran Singh was a police inspector.

In the night intervening August 7 and 8, 1989, Dara Singh was sleeping near his tube-well in his fields when a group of officials from Valtoha police station entered his fields, probably on the heels of some militants. Dara Singh woke up and came out of the tube-well room to see who had entered his fields when the policemen, thinking he was a militant, shot him dead.

The next morning, members of the village council and other residents of the village went to Valtoha police station to protest the killing of an innocent man. Inspector Pooran Singh also intervened. SHO Ram Nath agreed that the killing was a mistake and returned the body to the family after its post-mortem. The cremation was carried out in the village Varnala. Dara Singh's family also received compensation and his son Rachhpal Singh was given a job.

However, it is not clear why the CBI's list shows Dara Singh's cremation as a police cremation carried out by SHO Ram Nath when it was actually performed in the victim's village by his family members. It is also not clear if the compensation received by the family members followed a formal acknowledgment of a wrong killing or if it was an informal settlement.

37 – 38: Under serial nos. 48/121 and 49/122, the list identifies two cremations, carried out by SHO Makhan Singh of Harike police station on 11 August 1989,

under FIR no. 61/89. They are of [1] Kuldeep Singh, s/o Kartar Singh, r/o Chola Sahib; and [2] Jassa Singh, s/o Dharam Singh, also r/o Chola Sahib. The post-mortem reports are marked as VKA 73/89 and VKA 74/89. The cause of death in both cases is mentioned to be “police encounter”.

The committee has acquired the following information about these two cases through its incident report form nos. CCDP/01414 and 01415. The main informants are Kuldeep’s brother Swaran Singh and Jassa Singh’s mother Surjit Kaur.

Kuldeep Singh, s/o Kartar Singh and Surjit Kaur, r/o Chola Sahib, Patti Bande Ki, Sarhalli Kalan in Tarn Taran sub-division of Amritsar district, was a 19-year-old-boy who worked as a laborer and had gotten married just before his enforced disappearance. He had no children and his widow has since remarried.

Kuldeep Singh had no political or militant affiliations and had never been arrested before. On the 23 or 24 July 1989, a group of police officials from Chola Sahib police post raided Kuldeep’s house and not finding him home, picked up his elder brother Swaran Singh. The next day several village elders went to the police station and pleaded for Swaran Singh’s release from their illegal custody. He was released on July 27 only after he gave a commitment that he would trace his brother and produce him before the police.

On 28 July 1989, Swaran Singh took Kuldeep Singh to the police post at Chola Sahib where ASI Baldev Raj and head constable Kuldeep Singh took him into their custody with the assurance that Kuldeep Singh would be released after his interrogation. According to them, Kuldeep Singh was going to be interrogated at Sarhalli Kalan police station. Three days later, Kuldeep Singh, Jassa Singh, s/o Dharam Singh, and Bakhshish Singh, s/o Natha Singh, also residents of Chola Sahib, were produced before a court in Tarn Taran which granted eight days of police remand for further investigations. Sub-inspector Surinder Pal, SHO of Sarhalli Kalan police station, assured the family members of Kuldeep Singh that they had nothing to fear since the matter was now before a court.

On 10 August 1989, local newspapers reported an encounter in which both Jassa Singh and Kuldeep Singh supposedly died. According to the report, the police were taking them to recover weapons when a group of militants launched an attack hoping to rescue them. The police fought back, and the two militants in their custody died in the cross-fire.

After reading the newspaper report, the family members gathered at police station Harike where they were told that the bodies of Jassa Singh and Kuldeep Singh had been cremated at Patti cremation ground.

Jassa Singh, s/o Dharam Singh, reported killed in the same encounter, was an 18-year-old *Mazhabi* Sikh who lived in Patti Dolo Ki locality of the same village. During his detention at Sarhalli Kalan police station, his family members used to bring him food everyday and had been assured by sub-inspector Surinder Pal that Jassa Singh would not suffer any harm.

39. Under serial no. 50/125, the list identifies the cremation of Hazara Singh, s/o Jaswant Singh, r/o Booh, carried out by ASI Charan Singh of Harike police station on 18 August 1989 under FIR no. 62/89. The post-mortem report is marked as VKA 83/89 and the death is attributed to “police encounter”.

The committee has gathered the following information based on its incident report form no. CCDP/01587. The main informant is the victim's brother Malkeet Singh.

The victim's name, misspelt on the CBI's list, was Hazura Singh. Son of Salwant Singh and Jagtar Kaur from village Booh under Harike police station in Patti sub-division of Amritsar district, Hazura was only 20. He had given up school to join his father on his farm. Hazura, a baptized Sikh, was unmarried.

Hazura supported the Akali agitation for more autonomy for Punjab and, even as a teenager, wanted to court arrest to demonstrate his personal commitment. He was also a local supporter of Jarnail Singh Bhindranwale. Due to his political views, the police began to pick him up regularly for interrogation after Operation Blue Star. Later, when the momentum of the militant resistance increased, the police began to suspect his links and tortured him brutally several times to break him down and obtain confessions. Since his house was located on the fringes of the village, the police suspected him of sheltering and feeding militants.

In July and August of 1989, the Harike police raided his house a number of times in their bid to arrest him. Hazura was terrified of the prospect of torture and kept away from the police for some days. The police then detained all his family members, including his mother and sisters, and tortured them brutally. Members of the village council intervened and got them released by promising to produce Hazura before the police. Hazura was never far from the village and used to visit his house and help his father on the land. However, he slept elsewhere from the fear that the police might pick him up in a nocturnal raid.

On 17 August 1989 morning, Hazura Singh came home and started working on his fields when SHO Makhan Singh of Harike police station came with a large force and arrested him in the presence of his entire family. Hazura Singh, who was unarmed, tried to escape, but was caught and severely beaten by the police with sticks and rifle butts. He was then lifted into a police vehicle and driven away. Shortly thereafter, the family members heard bursts of gunfire. The news of his killing in a police encounter was relayed on the Punjabi program of the All India Radio (AIR) that same afternoon. The family was not informed about the killing or about the cremation carried out by the police the next day. However, his father Salwant Singh managed to reach Patti cremation ground while his son's pyre was still burning.

According to Malkeet Singh, Hazura's brother, the police later arrested and killed their cousin Harjinder Singh, s/o Bagicha Singh, in a separate incident.

40 – 42: Under serial nos. 51/129, 52/130 and 53/131, the CBI list identifies three cremations of [1] Harbhajan Singh, s/o Fouja Singh Jat, r/o Jandoke; [2] Jamel Singh, s/o Gurdeep Singh Jat, r/o Sarhalli Khurd; and [3] Raghubir Singh, s/o Mohinder Singh Jat, also r/o Sirhali Khurd. The cremations were carried out on 3 September 1989 by ASI Sukhdev Singh of Tarn Taran's Sadar police station and mentioned under FIR no. 76/89. The post-mortem reports are marked as AK 62/89, AK 63/89 and FM 135/89. The cause of death in all three cases is mentioned to be "police encounter".

The committee has spoken to the family members of Harbhajan Singh, Jaimal Singh, who was wrongly identified in the list as Jamel Singh, and Raghubir Singh and

has the following information about their cremations through its incident report form nos. CCDP/01451, 01452 and 01453. Jaimal's father's name, mentioned incorrectly in the list as Gurdeep Singh, is Gurnam Singh.

Raghbir Singh, originally from village Sur Singh Wala in Tarn Taran sub-division of Amritsar, was a 50-year-old farmer who had been living with his wife and children in Sarhalli Khurd, his maternal village, under post office Sakhira near Tarn Taran Sadar police station. Raghbir Singh did not have any political affiliations and had no criminal record.

Jaimal Singh, son of Gurnam Singh and Guro, was a 25-year-old baptized Sikh farmer from village Sarhalli Khurd, post office Sakhira, under Sadar police station, in Tarn Taran sub-division of Amritsar district. He was married to Lakhwinder Kaur and was the father of two sons and two daughters. He also had no political background and had never been arrested or interrogated before his execution.

In 1992, Jaimal had harvested a good monsoon crop of paddy. On 2 September 1989, he left for Tarn Taran's main grain market to sell a trolley-full of his harvest. Jaimal was returning home around 7:30 p.m. after completing the sale, when Raghbir Singh, who had gone to the grain market for the same purpose, took a lift on his tractor. Both of them were shot dead without any warning by a group of armed CRPF personnel who had set up a checkpoint at the canal bridge near village Sahabpur on Tarn Taran – Patti road.

That same night, the CRPF also fatally shot Harbhajan Singh from Jandoke village, not far from the site of the previous incident, also taking him to be a suspicious person. Harbhajan Singh was a 50-year-old farmer married to Joginder Kaur and had six children. He had no political affiliations and was returning home, along with his servant, after watering his fields. Harbhajan Singh was seriously injured and bleeding. His family and some villagers took him to a hospital for treatment. However, but Harbhajan succumbed to his injuries on the way.

When Raghbir Singh and Jaimal Singh did not return home that night, their family members assumed that they had some unfinished business and had, therefore, stayed back in the grain market at Tarn Taran. The next morning, some people in the village heard about the incident and went to the spot where the CRPF had shot and killed the farmers in a tractor trolley. The villagers recognized the bodies of Raghbir Singh and Jaimal Singh and informed their family members.

The villagers were very agitated about these killings and met the senior police officials to seek an explanation and inquiry. The officers promised to inquire about the executions and, after conducting the post-mortem, handed the bodies to the relatives to pacify their anger. All the bodies were cremated by the relatives in the villages by their relatives. The CBI's list, however, shows that the three bodies were cremated by the police at Tarn Taran cremation ground. This suggests that the police officials gave the bodies to the villagers to diffuse their agitation about the senseless killings, but forged the cremation records to show that they had been killed in encounters and cremated as unidentified militants.

43. Under serial no. 55/145, the list identifies the cremation of Pargat Singh alias Fouji, s/o Dilip Singh, r/o Vernalli, on 11 October 1989 carried out by SHO Gurjit Singh of Valtaha police station, under FIR no. 99/89. The post-mortem report is marked as PKS 2/89 and the cause of death is given as "police encounter".

The committee has acquired the following information through its incident report form no. CCDP/01529. The main informant is the victim's father Dalip Singh.

Forty-year-old Pargat Singh, s/o Dalip Singh and Mohinder Kaur, was a retired soldier who had served with the 16 Sikh Infantry division of the Indian army. After his retirement in 1988, he led the life of a farmer in village Varnala, Chhanna Wale Raah Te, under Valtoha police station, in Patti sub-division of Amritsar district. He was married to Kulbir Kaur and had a daughter Baljit Kaur. Pargat Singh had no links with any political party or militant group.

On 10 October 1989, a large police force led by DSP Paramdeep Singh Teja from Bhikhiwind and SHO Gurjeet Singh of Valtoha police station raided Pargat Singh's house and carried out a search. The police force had come to his house along with a young Sikh, probably a militant, who had under torture confessed that he had been served food at Pargat Singh's house and had also hidden his weapons there. When the search did not yield any weapons, the police officers questioned the young Sikh in their custody about the weapons and asked him to show where he had hidden them. The Sikh boy started crying and confessed that he had lied to them to escape further torture. The police force then left, along with the person in their custody.

The same set of officers came back to Pargat Singh's house in the afternoon of 10 October 1989, around 2 p.m. and arrested him and his cousin Bikkar Singh. Pargat Singh and Bikkar Singh were in their underclothes when the police raided the house and requested the officers to allow them to dress. The officers refused and, forcing them into separate vehicles, drove away.

That same evening, when the family members along with village elders reached Valtoha police station to make inquiries, SHO Gurjeet Singh told them that Pargat Singh had committed suicide by consuming cyanide. They were not allowed to see his body but were asked to return to the police station the next morning. The next day, the police sent the body for a post-mortem and then cremated it at the cremation ground in Varnala village.

Bikkar Singh, who had been brutally tortured in the course of his detention, was released from illegal custody five days later.

Despite the SHO's story about Pargat Singh's suicide, the CBI's list, which refers to the post-mortem report, attributes Pargat Singh's death to a "police encounter".

44 – 47. Under serial nos. 58/149, 59/150, 60/151 and 61/152, the list identifies four cremations, on 31 October 1989 carried out by SHO Gurjeet Singh of Valtoha police, under FIR no. 108/89. They are of [1] Resham Singh, s/o Tarlok Singh Jat, r/o Varlia; [2] Balbir Singh alias Beera, s/o Hazara Singh, r/o Dhulkohna, PS Khemkaran; [3] Puran Singh alias Tunda, s/o Gian Singh Jat, r/o Kuharka, PS Patti; and [4] Gurudev Singh, s/o Piara Singh, r/o Ratoke. The post-mortem reports are marked as SLG-14/89, SLG-15/89, SLG-16/89 and SLG-17/89. The cause of death in all cases is given to be "police encounter".

The committee has gathered the following information regarding Balbir Singh, Pooran Singh and Gurudev Singh through its incident report form nos. CCDP/01504, 01574, and 01682. The main informants are Balbir Singh's brother Subeg Singh; Pooran Singh's father Gian Singh; and Gurudev's cousin Dr. Balwinder Singh.

Forty-five-year-old Balbir Singh, son of Hazara Singh and Gulab Kaur, was a

farmer from Doohal Nau village, mentioned in the CBI's list as Dhulkohna, post office Mastgarh, under Khemkaran police station, in Patti sub-division of Amritsar district. He was married to Shindo and had three sons and a daughter.

In his younger days, Balbir was known as a wrestler and had won many awards in local competitions. In 1975, he got involved in a violent quarrel resulting in the death of his adversary as a result of which he spent seven years in jail.

After his release from prison, Balbir took to farming, but the police suspected him of smuggling weapons across the border to Pakistan, and arrested him for interrogation on a number of occasions. They implicated him in a number of criminal cases, but all failed because of insufficient evidence. The police continued to pick him up illegally for interrogation under torture. Fed up of the harassment, Balbir left home and went underground.

Twenty-year-old Pooran Singh, s/o Gian Singh and Prakash Kaur, was a Sikh priest and a singer, resident of village Kuharka, post office Shahbazpur, under Patti police station, in Tarn Taran sub-division of Amritsar district. The eldest of four brothers, Pooran had received his religious education at Dam Dami Taksal, the center of orthodox Sikh learning once headed by Jarnail Singh Bhindranwale. He was unmarried and lived with his parents.

After the June 1984 military assault on the Golden Temple in Amritsar, the police began to arrest and interrogate people who had any association with Dam Dami Taksal. In the same process, the police arrested and interrogated Pooran Singh under torture several times. He was also charged with terrorist offences under TADA and jailed for about two-and-a-half years. Even after his acquittal by the court, the police continued to detain and torture him brutally. Pooran was unable to tolerate the situation and began to stay away from home. He joined a Sikh missionary group associated with the Dam Dami Taksal, and travelled through Punjab's countryside, delivering the Sikh religious message. However, he returned home frequently and did not hide from the police.

Twenty-year-old Gurudev Singh, son of Piara Singh and Darshan Kaur, was a resident of Rattoke village under Khemkaran police station in Patti sub-division of Amritsar district. Gurudev assisted his father in running a small flour mill in the village. He was unmarried.

In 1987, the police arrested him on the suspicion of maintaining contacts with the Sikh militants. After his interrogation under torture, Gurudev was charged with offences under TADA and jailed. After serving one year, he received a bail order from the court and was released. The police, however, continued to harass him.

In the last week of October 1989, a joint force of the CRPF and the Valtola police arrested Gurudev when he was coming down a mud trail from village Cheema. The security personnel took him back to Cheema, near village Chunga, and on the basis of information provided by him, arrested three other persons from the surrounding villages. They were: [1] Resham Singh, s/o Tarlok Singh, a resident of village Makhu, and not Varlia, as the CBI's list mentions; [2] Balbir Singh alias Beera, s/o Hazara Singh from Dhool Kohna, also known as Bhoora Kohna, under Khemkaran police station; and [3] Pooran Singh, s/o Gian Singh from Rattoke village.

Pooran Singh, s/o Gian Singh, the Sikh missionary associated with Dam Dami Taksal from Kuharka village, was arrested from a house in village Bhandal. Soon after his arrest, some people who had taken part in his religious meetings went to Kuharka

village and informed his father Gian Singh about it. The same day, Gian Singh, accompanied by the head of his village council, met the SHO of Valtoha police station who denied having arrested Pooran Singh. Gian Singh and his sympathizers then went to other police stations, including Bhikhiwind, and met several officers who all denied the custody. Gian Singh continued to receive information that his son and three others were being held and tortured at Valtoha police station and the CIA staff interrogation center at Patti.

On 31 October 1989, several Punjabi newspapers reported an encounter between a group of militants and the Valtoha police near village Algon in which five militants, including Pooran Singh, had allegedly died. The police refused to return the bodies to the family members and carried out the cremations after their post-mortem. However, Gian Singh was able to see Pooran Singh's body at Patti hospital and also attend the cremation at Patti, along with members of his village council.

Gurudev's family members did not receive the information about the cremation in time to attend it. The police continued to harass his father Piara Singh and other members of his family, even after the killing of Gurudev, so much so that they decided to shift their residence to Amritsar city. Piara Singh himself died two years after the incident. According to family members, his death was the result of his grief and shock about Gurudev's unjust killing.

Although the newspaper reports about the encounter in which both Pooran Singh and Gurudev Singh died, referred to the killing of five militants, the CBI's list shows only four cremations. No other cremation on 31 October 1989, carried out by Valtoha police, is recorded in any other list either.

48. Under serial no. 62/154, the list identifies the cremation of Sukhwinder Singh alias Gaddi, s/o Harnam Singh Jat, r/o Marar, carried out by SI Harmail Singh of Harike police station on 11 November 1989 under FIR no. 94/89. The post-mortem report is marked as RKS-28/89 and the death is attributed to "firearm injuries".

The committee has acquired the following information from its incident report form no. CCDP/01560. The main informant is the victim's brother Karam Singh.

Thirty-two-year-old Sukhwinder Singh alias Maafi, son of Harnam Singh and Kartar Kaur, was a farmer resident of village Marar under Harike police station in Patti sub-division of Amritsar district. He was married to Shindo and was the father of Gurmeet Kaur who is now in her early twenties.

Sukhwinder was very upset with the Operation Blue Star, and began associating with people thinking of initiating an armed resistance against the government because of its atrocities against the Sikhs. In 1989, Sukhwinder left home to join the militant underground.

On 11 November 1989, when Sukhwinder had come home to visit his family, the joint force of the CRF and Harike police trapped him and killed him outside his village Marar as he was leaving at around 1 p.m. Surprisingly, the SHO of Harike handed the body, after the post-mortem, to the family members who carried out the cremation in the village in the presence of many people.

However, the CBI's list shows the cremation to have been performed at Patti cremation ground by SI Harmail Singh.

49. Under serial no. 63/156, the list identifies the cremation of Jagtar Singh alias Jaggi, s/o Kundan Singh, r/o Mehmoodpura, carried out by ASI Amrik Singh of Khalra police station on 30 December 1989 under FIR no. 148/89. The post-mortem report is marked as JS-3/89 and the cause of death is given to be “bullet injuries”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01559. The main informant is the victim's nephew Balkar Singh.

Jagtar Singh's father Kartar Singh was a small farmer, resident of Mehmoodpura under Valtoha police station in Patti sub-division of Amritsar district. His 35-year-old unmarried son Jagtar lived with him.

After Jagtar's death his father abandoned the village and no one from his family lives in the village at present. According to Balkar Singh, Jagtar Singh's nephew who now lives in Bhikhiwind town, the family was driven out of the village because of continuous police persecution. He also told us that his own brother Jatinder Singh, son of Darbara Singh, was also captured and killed by the police.

50. Under serial no. 64/158, the list identifies the cremation of Ruldu, s/o Bawa Singh, r/o Pringri, carried out on 13 January 1990 by ASI Subha Singh of Harike police station, under FIR no. 5/90. The post-mortem report is marked as SHG-7/90 and the cause of death is given to be “bullet injuries”.

The committee has acquired the following information about the case through its incident report form no. CCDP/01494. The main informant is the victim's brother named Ghukk.

Ruldu was an 18-year-old Muslim boy from Pringari village, Patti Vichla Vehra under Harike police station within Patti sub-division of Amritsar district. His father was known as Bawa alias Niwab, and was not a Sikh as the name Bawa Singh in the CBI's list suggests. Though a Muslim, Bawa had opted to remain in India at the time of the 1947 Partition of Punjab. Ruldu was unmarried and worked as a farm hand. He and his family members had no connections with the Sikh militant movement.

Around 4 p.m. on 12 January 1990, Ruldu went out of his house to fetch fodder for animals and also to bring some alcohol from the neighboring village of Kirtowal. He was walking down towards Kirtowal when two police vehicles, which were probably chasing someone, came from behind and some policemen opened fire and shot him dead. On hearing the gunfire, several villagers came out and saw police officers loading Ruldu's body into their police vehicle and driving off towards Patti.

The next morning, a large number of villagers accompanied Ruldu's elder brother Ghukk to Patti where the SHO of Harike police station handed over the body for cremation after obtaining Ghukk's thumb impressions on several papers. Being very poor and illiterate, Ghukk could not take any action. The body was taken back to the village and buried according to the Muslim custom. On 14 January 1990, based on a police handout *Ajit* reported that a militant injured during an encounter near Pringari village had died in the Patti hospital.

The CBI's list shows Ruldu to have been cremated by the police whereas in reality, he was buried by his brother in his own village.

51. Under serial no. 65/159, the list identifies the 24 January 1990 cremation of Jarnail Singh, s/o Kartar Singh, r/o Jaura, carried out by SI Baldev Krishan of Tarn Taran's city police station under FIR no. 16/90. The post-mortem report is marked as IS 14/90 and the cause of death is described as "police encounter".

The CCDP has culled the following information about this case through its incident report form no. CCDP/01511. The main informant is Charan Kaur, the victim's mother.

Twenty-three-year-old Jarnail Singh alias Jaila, son of Kartar Singh and Charan Kaur, was a truck driver, resident of village and post office Jaura, Patti Fattu Kian Di, in Tarn Taran sub-division of Amritsar district. Jarnail was a baptized Sikh and very religious minded. After finishing school, he became a truck driver. He was unmarried and lived with his parents.

The in-charge of Kairon police post suspected Jarnail Singh of maintaining links with militants and, from mid 1989 onwards, began to raid his house to arrest him. Jarnail Singh feared torture and went into hiding.

On 23 January 1990, Jarnail was staying with his sister Ninder Kaur and her husband Surjit Singh at their village Tharu. That morning, the police started a combing operation in Tharu and the neighboring villages. Jarnail Singh, finding out about the impending operation, tried to leave the village on his bicycle. He was arrested a short distance away from his sister's house. Ninder Kaur's family members witnessed the arrest but, fearing police wrath, did not intervene.

Shortly after arresting Jarnail, the police orchestrated the drama of an "encounter" and declared him killed. The police then came to Ninder Kaur's house and took her and other family members to identify Jarnail's body. Then the police took the body away to Tarn Taran's city police station.

Next morning, Jarnail's mother Charan Kaur, members of her village council and other elders of both Jaura and Tharu villages, reached Tarn Taran's city police station whose SHO, after some discussion, agreed to return the body to the family. But he insisted that the family promised not to initiate any legal action. He got them to sign several papers. After the post-mortem, the SHO handed the body over to the family, who carried out the cremation at village Jaura.

Later, police officials visited Charan Kaur several times and forced her to put her thumb impression on several papers that she was not able to read.

Once again, we notice that although the body was returned to the family and the cremation was carried out in the victim's own village, the CBI's list shows it as a police cremation carried out in Patti.



Jarnail Singh

52 - 55. Under serial nos. 66/160, 67/161 and 68/162, the list shows four cremations, carried out by Gurjeet Singh of Valtoha police station on 25 January 1990, under FIR no. 7/90. They are of: [1] Paramjeet Singh alias Pamma, s/o Pyara Singh, r/o Kirtowal; [2] Pargat Singh, s/o Kartar Singh, r/o Jhugian Kaluwalian; [3] Bohar Singh, s/o Kashmir Singh Jat, r/o Kalse; and [4] Sawinder Singh alias

Mohinder Singh, s/o Karnail Singh, r/o Rasoolpur. The first two cremations are recorded under the same Serial no. 66/160 and carry the same post-mortem report number RKS 17/90. The other post-mortem reports are marked as RKS 15/90 and RKS 16/90. The cause of death is stated as a “police encounter”.

The CCDP has acquired the following information about Paramjit Singh, Bohar Singh and Mohinder Singh through its incident report form nos. CCDP/ 01476, 01635 and 01684. The main informants are Paramjit Singh’s father Raghbir Singh; Bohar Singh’s sister Swaran Kaur, and Sawinder’s father Karnail Singh.

Seventeen-year-old Paramjit Singh alias Kala, son of Raghbir Singh and Balbir Kaur, was a farmer and a resident of village Kirtowal Khurd, in Patti sub-division of Amritsar district. He was unmarried. Paramjit Singh sympathized with the militancy in Punjab. By the end of 1989, he left home and the police started harassing his family members.

Twenty-three-year-old Bohar Singh, son of Kashmir Singh and Jaswant Kaur, was a young farmer from village Kalas, post office Mastgarh, under Khemkaran police station, in Patti sub-division of Amritsar district.

In 1989, Bohar Singh began to associate with persons involved with the Sikh militancy. Soon, the police found out and began to raid his house to arrest him. When Bohar Singh deserted his home, the police started picking up his relatives for interrogation under torture. Tara Singh, his sister’s husband, was brutally tortured, fracturing his right leg knee joint in the process. Tara Singh remains bed-ridden.

Thirty-five-year-old Mohinder Singh, a farmer from Rasool Pur, post office Bhangala, under Valtoha police station of Patti Sub-division in Amritsar district, was also known as Sawinder Singh. He was married to Kulwinder Kaur but had no children.

Mohinder was a baptized Sikh and sympathized with the militant movement for Khalistan. He had been arrested before and charged with offences under TADA. Each time, after Mohinder Singh’s release on bail the police would pick him up again, interrogate him under torture and implicate him in another case. By 1989, Mohinder Singh was so fed up that he decided to go underground. This increased the police harassment and custodial torture of the other members of his family, including his wife Kulwinder Kaur. The police confiscated all household belongings to put pressure on the family to produce Mohinder Singh.

On 24 January 1990, Mohinder Singh and his friends – Pargat Singh of Jhugian Kalu Walian village, Bohar Singh of Kalas village, Paramjit Singh of Kirtowal and Dilbagh Singh of Talwandi Chanchakk village were assembled in a farmhouse at Varnala village under Valtoha police station. The police found out and launched an attack after surrounding the house from all the sides. Mohinder Singh and his four colleagues were killed. The bodies were identified by the family members. The in-charge of the CRPF took Raghbir Singh to Valtoha police station to identify his son’s body. The police, however, refused to return the bodies to the families and carried out the cremations at Patti cremation ground. According to Bohar Singh’s sister Swaran Kaur, the families approached the burning pyres once the police officials left. Swaran Kaur, discovering that the wood was insufficient to burn the bodies entirely, bought additional firewood and completed the cremation.

It is not clear what happened to the body of Dilbagh Singh whose cremation is

not recorded in any of the CBI's lists.

The police never returned the household goods belonging to Mohinder Singh's family, including beddings, utensils, clothes and food.

The police also killed Mohinder Singh's two cousin-brothers, Darshan Singh and Gurmej Singh, sons of Dayal Singh and residents of Mehmoodpura, in a separate incident.

56 - 58. Under serial nos. 69/167, 70/168 and 71/169, the list identifies three cremations on 3 March 1990, carried out by head constable Deedar Singh of Tarn Taran's Sadar police station, under FIR no. 11/90. The bodies were those of: [1] Bhupinder Singh alias Bhola, s/o Chanchal Singh, r/o Jandiala Guru; [2] Ranjeet Singh alias Bitu, s/o Harbhajan Singh Jat, r/o Jandiala Guru; and [3] Dilbagh Singh, s/o Hari Singh Jat, r/o Dhotian. The post-mortem reports are marked as KS 20/90, KS 21/90 and PS 13/90. The cause of death is mentioned to be "firearm injuries/ encounter".

The CCDP has gathered the following information about these cases through its incident report form nos. CCDP/01380, 01507 and 01510. The main informants are Bhupinder's mother Sukhwinder Kaur, Ranjit's mother Surinder Kaur, and Dalip Singh, the father of Dilbagh Singh.

Dilbagh Singh was a 22-year-old unmarried Sikh boy from Baba Samse Ki, Dhotian under Sarhalli police station. In the CBI list, the name of Dilbagh's father is mentioned inaccurately as Hari Singh. His father is Dalip Singh.

Dilbagh, a baptized Sikh, had trained himself as a reader of the *Guru Granth Sahib*, the main Sikh scripture. He earned his livelihood by going on recitation tours for a fee. He also sympathized with the militant movement in Punjab. For his sympathies, Dilbagh had been arrested and put in jail for 27 months. Even after his release on bail, the police continued to harass him, picking him up regularly for interrogation under torture. To escape these harassments, Dilbagh became a fugitive in February 1990.

Twenty-four-year-old Ranjit Singh alias Bittu, son of Harbhajan Singh and Surinder Kaur, a student of a technical institute in Amritsar, was a resident of House No. 885, Namdev road, Jandiala Guru in Amritsar district. His father Harbhajan Singh was an officer with the Indian Railways. His uncle and his brother-in-law, sister's husband, were officers of the Punjab police.

In 1987, the Jandiala police began to suspect Ranjit of maintaining links with militants. After interrogating him illegally for 20 days, the police charged him with several offences under TADA. Ranjit remained in jail for one year and then came out on bail. For three months thereafter, the police did not harass him.

Meanwhile, Ranjit's uncle and brother-in-law had been receiving threats from Sikh militants who wanted them to quit the police service. They contacted Ranjit who was acquainted with a well-known militant leader of the area named Bhupinder Singh Bhola. Ranjit promised to get in touch with Bhupinder Singh and get him to dissuade other militants from threatening them.

On 2 March 1990, Ranjit had gone to village Jahangir to meet this well-known militant to sort out the problems faced by his relatives. As soon as he arrived at the site, around 10 p.m. a large police force surrounded the place and a real encounter

followed in which Dilbagh Singh, Ranjit Singh, Bhupinder Singh Bhola, and Sukhdev Singh of Janian village, were killed.

Twenty-three-year-old Bhupinder Singh Bhola, son of Chanchal Singh and Sukhwinder Kaur, was resident of Jujhar Nagar, Verowal road, in Jandiala Guru of Amritsar district. While studying for his matriculation at the government school, Bhupinder joined the Sikh Students Federation. The police became suspicious of his links and started detaining him illegally for interrogation under torture. In 1988, the police charged him with several offences under TADA, but he managed to get out on bail after nine months. When the police started raiding his house again, Bhupinder left home and joined the militant underground. The police harassed his family because of this decision. They arrested his father a number of times and tortured him to get information about Bhupinder's whereabouts. The family members were not allowed to cultivate their land and in the end they all had to flee the village after mortgaging their land.

The police returned Ranjit's body to his family at the recommendation of Amritsar's SSP. Ranjit Singh was cremated at his village. All others were cremated at Patti cremation ground. However, the list of identified cremations includes the name of Ranjit Singh whose body was actually cremated in his village. The list does not include the cremation of Sukhdev Singh, resident of Janian. It is recorded in the list of unidentified cremations under Serial 87/171. This cremation was also carried out on 3 March 1990 by head constable (HC) Deedar Singh. The post-mortem report is marked as KS-20/90.

59. Under serial no. 72/183, the list identifies the cremation of Kashmir Singh, son of Dharam Singh, r/o Jhander, carried out on 27 May 1990 by Nirmal Singh of Chhhaul police station, under FIR no. 49/90. The post-mortem report is said to be unavailable and the cause of death is stated to be "police encounter".

The CCDP has collected the following information about this case through its incident report form no. CCDP/01490. The main informant is the victim's father Dharam Singh.

Twenty-five-year-old Kashmir Singh, son of Dharam Singh and Gurdeep Kaur, was a resident of Jhander village, under Sadar police station, in Tarn Taran. He had seven brothers and a sister. His father, a small farmer with seven acres of land, worked hard to raise them and support their education. In 1983 Kashmir Singh passed his matriculation examination from a government school at Tarn Taran.

The Tarn Taran police illegally arrested, tortured, and interrogated Kashmir Singh twice in 1986, suspicious of any links with the militants. When the police came to arrest him for the third time, he slipped away and never returned home. For the next four years, the family members suffered grave human rights abuses. The police regularly detained his father and brothers illegally and interrogated them under torture. They implicated his brothers Ravel Singh and Karaj Singh in fabricated cases of murder and possession of illegal weapons. After two years in jail, the court acquitted Karaj Singh of all charges against him. Ravel Singh obtained his release on bail. But the police atrocities did not cease. The family was not allowed to cultivate its land and the police confiscated all valuable household possessions. The farm animals also died from neglect.

On 26 May 1990, Kashmir Singh was arrested by SHO Brar of Jhabbal police station while traveling in a truck belonging to Sukhdev Singh of Algon Kothi village in Patti sub-division of Amritsar district. The police confiscated the truck and took Kashmir Singh and Sukhdev Singh to Jhabbal police station, tortured them under interrogation, and then killed them that same evening after an orchestrated encounter. The police claimed that the two terrorists, hopelessly outnumbered by the police force, consumed poison and died.

The family members learnt about the killings when Hazara Singh, Kashmir Singh's uncle from Mannan village, came to their house on 27 May 1990 morning. The police had called Hazara Singh to identify Kashmir Singh's body. Dharam Singh, all his sons and a large number of village residents, went with Hazara Singh to Tarn Taran and asked the senior police officers of the district to return the bodies to the families. According to Dharam Singh, the officials did not object and, after the post-mortem, returned the bodies to the families. The bodies bore marks of severe torture. The nails of all fingers on their hands and feet had been removed. Their thighs were bruised from the rolling of heavy logs with policemen standing atop, a common method of torture. According to Dharam Singh, the family performed Kashmir Singh's cremation in his village Jhander in the presence of hundreds of people.

On 28 May 1990, two Punjabi dailies, *Ajit* and *Jagbani*, published an identical report about the police version of the encounter, claiming that Kashmir Singh, surrounded by the police, consumed cyanide and died on the spot. Sukhdev Singh succumbed to poison on the way to a hospital.

Despite evidence and testimony to the contrary, the CBI's list of identified cremations shows Kashmir Singh's cremation to have been carried out by Nirmal Singh of Jhabbal police station. In reality, however, the family performed the last rites in their village. Also, the post-mortem report is marked as "not available" and the cause of death is given as "police encounter" whereas the newspaper reports, following the police claim, attribute it to cyanide poisoning. Equally puzzling is the fact that Sukhdev Singh's cremation is not shown in the identified list or in the other two lists prepared by the CBI. The list of unidentified cremations has no entry on the dates between 19 April 1990 and 30 May 1990.

60. Under serial no. 73/197, the list identifies the cremation of Chanan Singh, s/o Darshan Singh, r/o Chumlewad, on 28 July 1998 by the SHO of Tarn Taran's city police station, under FIR no. 147/90. The post-mortem report is marked as BL 51/90 and the cause of death is mentioned as "police encounter".

The CCDP has collected the following information about this case through its incident report form no. CCDP/01567. The main informant is the victim's father Darshan Singh.

Nineteen-year-old Channan Singh, son of Darshan Singh and Swaran Kaur, was a resident of Khehra Patti in village Chooslewal within Patti sub-division of Amritsar district. Darshan Singh was a small farmer with only five acres of land, insufficient to sustain his four sons. Channan Singh's two brothers joined the Indian army while Channan Singh himself became a truck driver with a transport firm that had a tie up with business firms in Gujarat. He used to drive a truck regularly to Baroda city and had to stay away from home for several months at a stretch. No one in the family

suspected Channan Singh of being involved with militant activities because the police had never asked for him, nor had Darshan Singh noticed any such inclination in his son. Channan Singh was unmarried.

Around 11 a.m. on 26 July 1990 morning, a group of officials from Patti police station, led by an inspector, raided Darshan Singh's house and, after enquiring about his sons, searched the house. Nothing incriminating was discovered, but the officers took Darshan Singh away with them to Patti police station and questioned him about Channan Singh and his activities. Darshan Singh suspected, from the nature of his interrogation, that Channan Singh had been arrested and was in police custody. He also overheard police personnel talking about his son over their wireless sets. But no one clearly told him that his son was in police custody. On July 28 morning, the inspector who had arrested Darshan Singh took him out of the lockup and told him to go home. Darshan Singh had no clue that his son had been killed in an "encounter" and his body cremated while he remained in police custody.

After returning home, Darshan Singh heard from some people in the village that his son had been declared killed in an "encounter" near Mallian village, reportedly involving a group of militants and the Tarn Taran police. Darshan Singh realized that his own arrest and interrogation had something to do with his son's detention and elimination. But he still does not know when, where and how Channan Singh was arrested and why the police decided to eliminate him. Darshan Singh did not have the courage to go back to the police station and no official ever came to give him any information about Channan Singh's killing and his cremation.

61. Under serial no. 74/199, the list identifies the cremation of Satnam Singh alias Satta, s/o Sewa Singh, r/o Valtoha, on 30 July 1990 carried out by SHO Charan Singh of Valtoha police station under FIR no. 82/90. The post-mortem report is marked as MS 9/90 and the cause of death is given as "encounter".

The CCDP has collected the following information about this case through its incident report form no. CCDP/01576. The main informant in the case is the victim's cousin Baljit Singh.

Seventeen-year-old Satnam Singh Satta, s/o Sewa Singh Fauji and Joginder Kaur, was a student living in Patti Lalo Ki, Valtoha in Patti sub-division of Amritsar district. His father Sewa Singh, a retired soldier of the Indian army, owned a very small plot of land that was not enough to sustain the family. Sewa Singh, therefore, also worked as a guard with the local branch of the Punjab bank.

Satnam was drawn to the militant movement while he was appearing for his matriculation examination. After completing school, Satnam and one of his cousins Amarjit Singh, s/o Boota Singh, tried to join the militant underground but Amarjit was captured and killed within two weeks of his leaving home. Sewa Singh Fauji tried to convince his son to disown violence and led a normal life. However by then, the police had found out about Satnam's inclinations and started raiding his house to arrest him. In his absence, the police arrested other family members, particularly his father, questioning them under torture about Satnam's whereabouts.

Early morning on 30 July 1990, when Satnam and one of his associates Shinder

Singh, s/o Charan Singh from Kalia Sakattera, and another unidentified person were sleeping in a house in village Lakhna, the police surrounded the house from all sides and started firing. Satnam and his companion decided not to offer any resistance since that would have endangered the family that had given them shelter. According to eyewitness accounts, Satnam and Shinder consumed cyanide and died, but the police continued to fire for a long time with the intention of making it appear like a real and fierce encounter.

The next morning, newspapers reported the incident as a major encounter in which Satnam Singh and one other unidentified militant had been killed. The family was not informed about the killing and thus failed to attend the cremation.

The CBI's identified list only shows Satnam's cremation. Shinder Singh, s/o Charan Singh from Kalia Sakattera, was cremated as an unidentified militant as evident from Serial no. 112/198 in the unidentified list of the CBI. He was cremated by the same SHO under the same FIR no.; his post-mortem report is marked as MS-10/90.

62. Under serial no. 75/201, the list identifies the cremation of Mulagar Singh, s/o Hardeep Singh, r/o Mehmoodpura, carried out by SHO Paramdeep Singh of Bhikhiwind police station on 2 August 1990, under FIR no. 77/90. The post-mortem report is marked as MS 15/90 and the cause of death is described as "police encounter".

The committee has acquired the following information about this case through its incident report form no. CCDP/01485. The main informant is the victim's brother Jatinder Singh Sadh.

Thirty-year-old Malagar Singh, son of Hardeep Singh and Nirmal Kaur, was a farmer resident of Mehmoodpura village under Valtaha police station in Patti subdivision of Amritsar district. Malagar was a baptized Sikh and was married. His widow has since returned to her parents' house.

Mehmoodpura is a village very close to India's border with Pakistan and the police suspected Malagar of engaging in smuggling. He had been arrested and interrogated a number of times in the past. With the onset of the militant movement in Punjab, the police began to suspect that he helped militants cross the border to Pakistan where some of them had taken shelter. The police detained him, interrogated him under torture and implicated him in several cases under TADA. This pattern of police behavior continued even after he convinced the trial court to release him on bail. After one more experience of custodial torture, Malagar left home to join the militant underground. The police began to harass his family members, especially targeting his brother Dilbagh Singh.

Dilbagh was arrested and killed along with Bhagwant Singh of Madara village under Khalra police station around May 1989. The family members do not remember other details. His body was returned to the family for cremation.

On 1 August 1990, the Bhikhiwind police arrested Malagar from a house in Makhi village close to Margindpura and killed him that night in a staged encounter near village Sadaran. After reading the report about the encounter in a newspaper, which identified Malagar by his name, the family members went to Bhikhiwind police station to claim his body. The police officials, however, refused to talk to them and they were unable to find out where his body had been cremated.

63 - 65. Under serial nos. 76/205, 77/206 and 78/207, the list identifies three cremations carried out by SHO Surinder Singh of Harike police on 16 July 1990, under FIR no. 49/90. They are of [1] Major Singh, s/o Gulzar Singh Jat, r/o Nadhohar; [2] Gurnam Singh, s/o Kartar Singh, r/o Rasoolpur; and [3] Nishan Singh, s/o Karnail Singh, r/o Shirpur Seda. The post-mortem reports are marked as SS 4/90, SS 5/90 and SS 6/90. The cause of death is given as “firearm injuries”.

The committee has acquired the following information about Major Singh and Gurnam Singh through its incident report form no. CCDP/01584 and 01532. The main informants are the victims’ brothers Sukhdev Singh and Balkar Singh.

Major Singh, son of Gulzar Singh and Jagir Kaur, was a 21-year-old boy from village Nadohar, post office Bathe Bhaini under Harike police station in Patti sub-division of Amritsar district. He had dropped out of his school studies to receive a religious education at the Dam Dami Taksal. The government viewed the Taksal as an active militant organization and the police regularly detained and tortured those who were associated with it. Major Singh was also arrested a number of times and once he was charged with offences under TADA. Since the police had framed the case without any evidence, the court granted him bail after six months and then acquitted him altogether. However, the police continued to harass Major Singh, even requiring him to report to the police station every week. Major Singh was not able to tolerate these humiliations and decided to go underground and join the ranks of militants. The police then began to harass his family members.

Gurnam Singh, s/o Kartar Singh and Channan Kaur, was only a seventeen-year-old boy from village Rasoolpur, post office Bhangala, in Patti sub-division of Amritsar district. He had joined the Dam Dami Taksal after completing his matriculation. While he was still at school, the Valtoha police had arrested him a few times suspecting him of having links with the militant groups. He was also badly tortured. These experiences contributed to his decision to join the ranks of militants. The police started harassing his father and brothers.

On 16 July 1990, Major Singh, Gurnam Singh and two of their associates, Nachhatar Singh of Fatehgarh Sabhran village and Nishan Singh of Sherpur Saida village in Sultanpur Lodhi sub-division of Kapurthala district, were trapped in a police cordon laid by Harike police between Rooriwal and Chamba villages. They were killed in a real encounter, in which three policemen also died. The police took the bodies to Patti hospital for their post-mortem and also wanted to carry out the cremations themselves. However, thousands of people, along with the family members of the killed boys, gathered at the hospital to demand the return of the bodies, and the police had to permit the family members to carry out the cremations.

The CBI’s list of identified cremations, however, shows only three cremations, those of Major Singh, Gurnam Singh and Nishan Singh, and that they were carried out by SHO Surinder Singh of Harike police station and not the family. The fourth cremation, that of Nachhatar Singh, is recorded in the CBI’s partially identified list, Under serial no. 14/208, with the same FIR no. His post-mortem report is marked as SS-7/90.

66. Under serial no. 81/211, the list identifies the cremation of Sardool Singh, s/o Dara Singh, r/o Jodhisinghwala, carried out by the SHO of Bhikhiwind police

station on 2 August 1990, under FIR no. 77/90. The post-mortem report is marked as MS 16/90 and the cause of death is given as “police encounter”.

The committee has acquired the following information through its incident report form no. CCDP/01524. The main informant is the victim’s brother Boor Singh.

Thirty-year-old Sardool Singh was the son of Bhag Singh, a *Mazhabi* Sikh from village Jodh Singhwala, post office Bhangala, in the Patti sub-division of Amritsar. Bhag Singh’s name has been changed to Dara Singh in the CBI’s list. Sardool Singh was unmarried and earned his livelihood, like his four brothers, as a laborer. Sardool had no links with any political or militant association.

In the last week of July 1990, a group of police officers from Bhikhiwind police station came to Sardool’s house and after ascertaining his name, asked him to come with them to the police station. When the family members asked the police about the reasons for his arrest, the SHO said that they wanted to question him in connection with a theft case. After some days, the family members learnt that Sardool Singh had been declared killed in an “encounter”. From fear of further reprisals, his family did not go to the police station to make inquiries and reconciled themselves to what had happened.

No one from the family attended the cremation. Also, Sardool’s ashes could not be collected because of the lack of information.

67. Under serial no. 83/246, the list identifies the cremation of Darshan Singh, s/o Jarnail Singh, r/o Sabra, carried out by SI Major Singh of Patti police station on 10 September 1990 under FIR no. 171/90. The post-mortem report is said to be “not available” and the cause of death is given as “police encounter”.

The committee has got the following information about this case through its incident report no. CCDP/01673. The main informant is the victim’s widow Kashmir Kaur.

Twenty-eight-year-old Darshan Singh, son of Jarnail Singh and Jagir Kaur, was a young farmer from Sabhra village, Patti Bhane Ki, in Patti sub-division of Amritsar district. The son of a prosperous farmer, Darshan was not involved with any political or militant organizations. He was married to Kashmir Kaur and had a son, Lakhwinder Singh.

In the first week of September 1990, Darshan’s father-in-law died in his village Saidon under Patti police station. Darshan accompanied his wife Kashmir Kaur to her village and stayed at her parents’ house for some days. On 9 September 1990, Darshan and two other young men of village Saidon went for a motorcycle ride and were about to reach a petrol pump in village Bhogupur when a group of police officers, led by SHO Major Singh of Patti police station, suspected them of being militants and shot at them. Darshan, the pillion rider, was hit by a bullet and fell down dead. The police took Darshan’s two companions into custody. Residents of Saidon village found out about the incident and immediately informed Darshan’s parents. They went to Patti police station to claim the body, but SHO Major Singh refused to return the body and carried out the cremation.

The police released a statement to the press to claim that a militant named Darshan Singh had been killed in an encounter.

68 – 69: Under serial nos. 84/256 and 85/257, the list identifies two cremations carried out by SHO Surinder Singh of Harike police station on 4 October 1990, under FIR no. 66/90. They are of [1] Bhinder Singh, s/o Gurbachan Singh, r/o Shakhera; and [2] Satnam Singh, s/o Bhajan Singh, r/o Baghari. Bhinder Singh's post-mortem report is marked as MS 123/90. Satnam's post-mortem report is said to be not available. The cause of death is recorded as "firearm injuries".

The committee has got the following information through its incident report form nos. CCDP/1571 and 1547. The main informants are Bhinder Singh's father Gurbachan Singh and Satnam's mother Jagir Kaur.

Bhinder's full name was Bhupinder Singh. He was 23-years-old and the son of Gurbachan Singh and Sukhraj Kaur, who lived at Dhariwal village in Patti sub-division of Amritsar district. Gurbachan Singh was originally from Sakhira village in Tarn Taran sub-division of the district. But he had bought some land in Dhariwal village and had shifted his residence. Bhupinder was the older of his two sons and started helping him with the agricultural work after completing his school education. Bhupinder was a baptized Sikh, associated with a Sikh religious leader, Baba Charan Singh, who used to organize voluntary labor for the reconstruction of historical Sikh shrines. Bhupinder was also good at reciting Sikh scripture. During religious functions, Bhupinder used to receive invitations to recite the scripture, usually for a fee, which helped supplement his income.

In 1987, Sarhalli Kalan police had illegally detained and terribly tortured him when he had gone to village Shaheed to recite the scripture at a religious ceremony. His father had to pay a bribe of Rs. 70,000 to get him out alive. The police framed him in a TADA case and sent him to jail. Bhupinder came out on bail after nine months. When the police continued to arrest and torture him even after his release from prison, Bhupinder left home and began to live with his religious mentor.

Seventeen-year-old Satnam Singh, s/o Bhajan Singh and Jagir Kaur, was from village Baghiari, Patti Kahn Singh Wali, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district.

Like Bhupinder, Satnam was also a baptized Sikh and had done voluntary labor at various gurdwaras organized by Baba Charan Singh. That was the basis of his acquaintance with Bhupinder Singh. Satnam had never been arrested or interrogated by the police.

On 3 October 1990, during the course of a combing operation, Harike police arrested Bhupinder and Satnam from the house of Bhupinder Singh's maternal grandparents at Ratta Gudda village. The same day, the police enacted an encounter near a farmhouse in the same village and declared them killed. Satnam's parents learnt of the execution when a constable attached to Harike police station came and informed them. They sent a message to Bhupinder Singh's family and reached Patti hospital where the bodies had been sent for post-mortem. A large number of people from Dhariwal and Baghiari villages also came to the hospital and forced the police to hand over the bodies to the family members for their cremation.

Although the cremations were carried out by the family members themselves, at their own villages, the CBI's list says that they were carried out by SHO Surinder Singh of Harike police.

70 – 72: Under serial nos. 86/258, 87/259 and 88/260, the list identifies three cremations on 11 October 1990, carried out by SHO Charan Singh of Valtoha police station, under FIR no. 109/90. They are of: [1] Sukhdev Singh alias Kalla, s/o Virsa Singh Jat, r/o Dhulkouna; [2] Mukhtiar Singh alias Mand, s/o Amar Singh, r/o Bhuakohnu; and [3] Pappu, s/o Jarnail Singh, r/o Verowal. The post-mortem reports are marked as MS 139/90, MS 141/90 and MS 140/90. The cause of death is given as “encounter”.

The committee has acquired the following information about Sukhdev Singh and Mukhtiar Singh through its incident report form nos. CCDP/01679 and 01680. The main informants are the victims’ mothers Gurmeet Kaur and Charan Kaur, respectively.

Twenty-six-year-old Sukhdev Singh alias Kala, son of Virsa Singh and Gurmeet Kaur, was an unmarried young farmer from Doohal Kohna village under Khemkaran police station in Patti sub-division of Amritsar district. Sukhdev’s father had died when he was still young. Hence, he had to give up school to help his brothers look after the agricultural farm. Sukhdev and his brothers were baptized Sikhs. According to Gurmeet Kaur, they were not associated with the militant movement. Once in early 1990, the Khemkaran police arrested Sukhdev on the suspicion that he maintained links with the militants. The police tortured him under interrogation but released him 10 days later at the intervention of the village council. No criminal case had been registered against him.

Twenty-year-old Mukhtiar Singh alias Mand, son of Amar Singh and Charan Kaur, was also an unmarried boy from Bhoora Karimpura village under Khemkaran police station in Patti sub-division of Amritsar district. As with Sukhdev, Mukhtiar’s father had also expired and he used to help his brothers manage the family farm. Mukhtiar was also a baptized Sikh. Mukhtiar had never been arrested but, according to his mother, he did maintain contacts with members of the underground.

In the second week of October 1990, Sukhdev’s mother Gurmeet Kaur went to attend the cremation of a close relative who had expired in village Bhai Ladhu. She returned home on 10 October 1990 to find that her son Sukhdev was absent. On that day, Sukhdev along with Mukhtiar Singh of Doohla Kohna village and Pappu, s/o Jarnail Singh of Bharowal village, were standing at the Tahli bus stand when a group of officials from Valtoha police station shot them down. All of them were killed on the spot. Another young man from Asal Utar village, who was cutting fodder in a shop close to the bus stand, was also hit by bullets and killed.

On 11 October morning, some officers of the Valtoha police station came to Gurmeet Kaur’s house and asked her to reach the police station to identify her son’s body. On reaching the police station, she met the family members of the other two boys, killed by the police, who had also been also been called for the same purpose. However, after the identification, the police refused to hand over the bodies to the families. They carried out the cremations after marking the bodies as unclaimed.

It is not clear what happened to the body of the fourth person who had been killed accidentally. The CBI list of identified cremations shows only three cremations under FIR no. 109/90. No other cremation carried out by the Valtoha police under the FIR is recorded in the CBI lists of partially identified and unidentified cremations.

According to Charan Kaur, Mukhtiar’s mother, the police also arrested and killed

two others known to her from Bhoora Karimpura village in fake encounters. They are: [1] Gurnam Singh, s/o Ranga Singh; and [2] Gursahib Singh, s/o Major Singh.

73 – 74. Under serial nos. 89/261 and 90/262, the list identifies two cremations, carried out on 25 November 1990 by SHO Surinder Singh of Valtaha police station, under FIR no. 125/90. They are of: [1] Kuldeep Singh, s/o Puran Singh, r/o Ran Singhwala; and [2] Beer Singh s/o Surbaksh Singh, r/o Chatiwind. The post-mortem reports are marked as BBS 2/90 and BBS 3/90. The cause of death is given as “police encounter”.

The committee has acquired the following information about Kuldeep Singh through its incident report form no. CCDP/01536. The main informant is the victim’s father Pooran Singh.

Twenty-two-year-old Kuldeep Singh, s/o Pooran Singh and Ranjit Kaur, was an automobile mechanic, resident of village Ram Singh Wala, post office Bhangala, under Valtaha police station, in Patti sub-division of Amritsar district. He was unmarried and lived with his parents.

Until 1989, Kuldeep, a baptized Sikh, never faced any harassment from the police. In that year, the police became suspicious that he may be maintaining ties with militants and helping them cross into Pakistan since the village Ram Singh Wala is very close to the border. The police started raiding his house to arrest him, and Kuldeep, fearing torture, started staying away.

Around 4 p.m. on 24 November 1990, officials from Valtaha police station came to Kuldeep’s house in his village and took his father Pooran Singh, brother Virsa Singh and a neighbor along with them to Puthiawali village where two bodies were lying in the fields. One of them was that of Kuldeep Singh and the other was of Veer Singh who lived at Chatiwind in Amritsar city. After their identification, the police asked Pooran Singh to come to Patti the next day where, after the post-mortem, the bodies were cremated under police supervision. The family members attended the cremation and carried out the rituals.

The fact that the Valtaha police came to his house and got him to identify the bodies, has led Kuldeep’s father to believe that his son had been killed following his interrogation.

75. Under serial no. 91/263, the list identifies the cremation of Gopal Singh, s/o Bagh Singh, r/o Maneke village, carried out on 4 December 1990 by SHO Jarnail Singh of Valtaha police station under FIR no. 128/90. The post-mortem report is marked as KS 26/90 and the cause of death is given as “police encounter”.

The committee has collected the following information about this case through its incident report form no. CCDP/01685. The main informant is the victim’s widow Harbans Kaur.

Sixty-two-year-old Gopal Singh, son of Bhag Singh and Gulab Kaur, was a farmer resident of Mane Ke village under Valtaha police station in Patti sub-division of Amritsar district. Married to Harbans Kaur, he was the father of a son Channan Singh and two daughters. Gopal Singh did not have any criminal or political background and had never been arrested or interrogated.

Around 7 a.m. on 4 December 1990, Gopal Singh was feeding his cattle in the barn in his fields when he was hit by bullets fired by a group of policemen apparently chasing some militants. Gopal Singh died on the spot. A newspaper report that appeared the next day said that a militant had been killed in an encounter at village Mane Ke.

A larger number of village residents, including the members of the village council, went to Valtoha police station to tell the officers that the person killed by them was not a terrorist but an innocent farmer of the village. The officers admitted that it was an inadvertent killing, handed the body over to them for cremation in the village and promised to take action against those responsible. They, however, later changed their stance to announce that Gopal had been killed by fleeing militants and paid some compensation to the family members. The police also asked the family not to reveal how Gopal Singh had actually been killed so that they might continue to receive the benefits to which the victims of militant violence are entitled.

Once again, it is not clear why and how Gopal Singh's cremation is included in the CBI's list of identified cremations carried out by the police. The body had been burnt by the family members at the village.

76 - 78. Under serial nos. 92/267, 93/268 and 94/270, the list identifies three cremations on 22 October 1990, carried out by inspector Joginder Singh of Tarn Taran's Sadar police station mentioned under FIR no. 94/90. They are of: [1] Mangal Singh, s/o Joginder Singh Jat, r/o Pakhoke; [2] Harbhej Singh, s/o Angrez Singh, r/o Dharar; and [3] Gurvail Singh, s/o Joginder Singh, r/o Jawende. The post-mortem reports are marked as KS 79/90, KS 80/90 and PS 89/90. The cause of death is given as "encounter".

The committee has acquired the following information about Harbhej Singh and Gurvel Singh through its incident report form no. CCDP/01508 and 01428. The main informants are Surjit Kaur and Gurbachan Kaur, the mothers of Harbhej Singh and Gurvel Singh, respectively.

Harbhej Singh was the son of Surjit Kaur and Ravel Singh – not Angrez Singh as mentioned in the CBI's list. They lived in village Dharar under Jandiala Guru police station in Amritsar district. Harbhej was the youngest of four brothers and had completed his graduation in 1989 from a college in Khadur Sahib. He had never been arrested before and, according to his father, had no dubious political or militant connections.

After graduation, Harbhej wanted to move to Amritsar to continue his studies, but the family could not afford it. So his father purchased some land in village Rajiwal and Harbhej began to cultivate it. On 20 October 1990, Harbhej Singh went to Rajiwal village to water his fields, but did not return home in the evening. Worried family members made inquiries with no success. On 23 October 1990, Ravel Singh heard that his son was one of the four alleged militants who had been killed in a reported encounter in Dugari village under Tarn Taran police station. When Ravel Singh went to Dugari village to talk to the people who had witnessed the encounter, he found out that the police had arrested four persons, including his son, from a house and tortured them brutally before killing them in a staged encounter.

The four included Gurvel Singh, a 16-year-old-boy from village Jawande Khurd, post office Baath, under Tarn Taran's Sadar police station. Son of Joginder Singh

and Gurbachan Kaur, Gurvel had passed his matriculation examination in 1990. While studying at the Government High School Baath, Gurvel met Balwinder Singh Fauji, an active militant, and probably began to help him deliver messages.

On 22 October 1990, Gurvel went to village Varana, also under Tarn Taran Sadar police station, possibly to meet some people known to Balwinder Singh Fauji. On reaching Varana, Gurvel discovered that the police were conducting a combing operation. Gurvel tried to leave, but the police arrested him. Later that evening, he was shown killed along with three others in an encounter orchestrated in village Dugari. On 23 and 24 October, the encounter was reported in two newspapers, *Ajit* and *Jagbani*. The police carried out the cremation without informing the parents. Others killed in the same encounter are: Mangal Singh of Pakhoke village, and Paramjit Singh of Kambo.

The CBI's list of identified cremations only shows the names of Mangal Singh, Harbhej Singh and Gurvel Singh. Paramjit Singh's cremation, carried out by the same inspector under the same FIR no., has been recorded in the partially identified list, Under serial no. 19/269, although all his particulars are easily available. Paramjit's story is summarized in the appropriate section of the report.

Eighteen-year-old Paramjit Singh, s/o Sadhu Singh and Surinder Kaur, was a higher secondary school student from village Kamoh, post office Maluwal, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. Paramjit had passed his matriculation examination earlier in the year from the government senior secondary school at Naushehra Pannuan.

While at school, Paramjit, like Gurvel, had come in contact with some people associated with the underground armed resistance and had been attending political and religious meetings organized by them. He was a baptized Sikh. Paramjit felt outraged by the Indian army's assault on the Golden Temple and the subsequent killing of more than 3,000 Sikhs in the Delhi pogroms.

On 16 October 1990, Paramjit left his house but did not return. His parents made inquiries but could not learn anything. On 22 October 1990, Sadhu Singh came to know that his son Paramjit was one of the four alleged militants who had been killed in a reported encounter near village Dugari.

The next day, at Patti cremation ground, Sadhu Singh met the parents of all the others who been killed by the police in the same incident. They had come there to collect the ashes of their sons with the help of cremation ground attendants. According to Sadhu Singh, police had arrested and interrogated the boys before killing them because otherwise they would not have known their names and other particulars.

79 - 82. Under serial nos. 95/278, 96/279, 97/280 and 98/281, the list identifies four cremations on 3 November 1990, carried out by inspector Jagdish Singh of Tarn Taran's Sadar police station, under FIR no. 106/90. They are of: [1] Sukhwinder Singh alias Sanga, s/o Gulzar Singh Jat, r/o Sanga; [2] Baljeet Singh, alias Bali, s/o Makhan Singh Jat, r/o Khala; [3] Vikramjit Singh, s/o Gopal Singh, r/o Narula; and [4] Manjeet Singh s/o Gian Singh Lubhana, r/o Chatiwind. The post-mortem reports are marked as PS 72/90, PS 73/90, AK 94/90 and PS 74/90. The cause of death is recorded as "police encounter".

The committee has acquired the following information about the cases of

Sukhwinder Singh, Baljit Singh and Vikramjit Singh through its incident report form nos. CCDP/01464, 01625 and 01542. The main informants are Mohinder Kaur, Swaran Kaur and Gopal Singh, mothers of Sukhwinder and Baljit, and the father of Vikramjit, respectively.

As a student at Khalsa College, Amritsar, Sukhwinder had joined the All India Sikh Students Federation and participated in the agitation launched by the Akali Dal before Operation Blue Star in June 1984. After June 1984, Sukhwinder joined the militant movement and at the time of his death at the age of 28, he was leading an outfit known as Bhindranwala Tigers Force.

Twenty-one-year-old Baljit Singh, s/o Makhan Singh and Swaran Kaur, was from village Khela, post office Fatiabad under Goindwal police station, in Khadur Sahib sub-division of Amritsar district. Baljit, a baptized and devout Sikh, was a graduate and was involved with the political situation in Punjab. Although his involvement was political, the police began to harass him. After attending a political meeting at village Pangota, the Patti police arrested him and tortured him savagely. He was implicated in a case under TADA and had to spend three years in jail where he studied for a post-graduate degree in Punjabi literature and became a *Gyani*. When the police began raiding his house, even after his release from jail, Baljit decided to join the underground resistance and left home. The police then started torturing his family members. His father was taken into custody several times and brutally tortured. Also, Baljit's younger brother Sudhjit Singh was later implicated in a false murder case.



Baljit Singh

Twenty-four-year-old Vikramjit Singh, s/o Gopal Singh and Gurdeep Kaur, from village Narla under Khalsa police station in Patti sub-division of Amritsar district was a B.A. student in his second year at the government college in Patti. The June 1984 Indian army's assault on the Golden Temple had a deep impact on Vikramjit, and he began to support the idea of an armed resistance to India's atrocities against the Sikhs. The police became suspicious and began raiding his house to arrest him. But Vikramjit slipped away and joined the underground. The police then started harassing his family members, arresting his father and other relatives, and torturing them under interrogation. The family was also not allowed to cultivate their farmland.

On 3 November 1990, Sukhwinder, Baljit, Vikramjit and two of their associates, Manjit Singh and Nirmaljit Singh, were killed in what appears to be a genuine encounter with the Tarn Taran police, led by SP (operations) Khubi Ram, near village Bhullar. The police carried out the cremations without informing the family members. The encounter was reported prominently by all newspapers the next day. The press reports also identified all the slain militants, including Nirmaljit Singh, by their names. However, the CBI list of identified cremations does not show Nirmaljit's name. His name is included in the partially identified list Under serial no. 20/282.

The families of these militants continued to suffer persecution even after their sons had been killed. The police often picked up and tortured members of Sukhwinder's family. They also prevented his family from cultivating their land for several years. Two of his brothers, Balwinder Singh Billu and Khushdeep Singh,

were arrested and disappeared. They were picked up on 23 June 1992 outside Gurdwara Bhaini Sahib when they were going with several others to attend a ceremonial feast at village Chhandra organized to commemorate the killing of another militant leader, Rachhpal Singh Chhandra. The arrest was made by DSP Dalip Singh of Ludhiana district. Three days later, DSP Dalip Singh told their mother Mohinder Kaur and a group of village elders who had come with her that both of them were under interrogation at the CIA staff center in Khanna and advised them to meet SSP Raj Kishan Bedi of Khanna. Raj Kishan Bedi claimed that he had handed both of them to SSP Ajit Singh Sandhu of Tarn Taran police for investigations. But Sandhu denied ever having taken the two boys into his custody.

Two of Baljit's close relatives were also picked up and killed. His nephew Satnam Singh, s/o Deedar Singh was arrested from his house and killed in a fake encounter by the Majitha police. His uncle Balkar Singh Fauji alias Babbu, s/o Dalip Singh, was also picked up from his house and eliminated in a fake encounter.

83 – 87. Under serial nos. 99/284, 100/285, 101/286, 102/287 and 103/289, the list identifies five cremations carried out by SHO Surinder Singh of Valtoha police station on 5 November 1990 under FIR no. 118/90. They are of: [1] Balkar Singh alias Fauji, s/o Hari Singh, r/o Sarli Mandan; [2] Hakim Singh alias Hakku, s/o Gurmej Singh, r/o Dasoowal; [3] Sukhdev Singh, s/o Balbir Singh, r/o Dasoolpur; [4] Gulzar Singh alias Shopes, s/o Ajaib Singh, r/o Multan Bagh; and [5] Balkar Singh, s/o Karnail Singh, r/o Johal Singhwala. The post-mortem reports are marked as MS 181/90, MS 189/90, MS 190/90, MS 191/90 and MS 193/90. The cause of death is given as “firearm injuries”.

The committee has gathered the following information about these cases through its incident report form nos. CCDP/01480 and 01530. The main informants are Balkar Singh's brother Jaswant Singh, resident of Sarhalli Mandan, and Hakam Singh's mother Gurmej Kaur.

Thirty-year-old Balkar Singh alias Fauji, son of Hari Singh and Mohinder Kaur, was a resident of village Sarhalli Mandan, in Patti sub-division of Amritsar district. He was a soldier of the Indian army and was married to Preetam Kaur. Their only son Balwinder Singh is now around 20.

After June 1984, Balkar was dismissed from the army, though his family does not know on what charges. According to his brother Jaswant Singh, Balkar was dismissed from service but was not punished with imprisonment.

Following his dismissal, Balkar returned to his village and started driving a public transport vehicle, known in rural Punjab as *Gharoonka*, a large noisy vehicle that runs on a tractor engine. The police illegally arrested Balkar a number of times in 1988 and interrogated him under brutal torture about his political and militant connections. He was not formally charged, but when the police raided his house again towards the end of 1988, Balkar dodged the arrest and went underground. The police instead started harassing his family members. They police confiscated all valuable goods in the house, including Balkar's vehicle. The police detained Balkar's brother Jaswant Singh and implicated him in a case under the Arms Act and TADA. He remained in jail for one year. Balkar's cousin Balbir Kaur was married to Santokh Singh, son of Gurditt Singh of Sarhalli Mandan village. The police arrested Santokh

Singh and his father Gurditt Singh from their house, interrogated them about Balkar's whereabouts and then killed Santokh Singh in a fake encounter near village Sur Singh Wala.

Eighteen-year-old Hakam Singh, son of late Gurmej Singh alias Jeja and Gurmej Kaur, was a resident of village Dasuwal, post office Maneke, under Valtoha police station, in Patti sub-division of Amritsar district. He was a class-IX student when the police started raiding his house to arrest him because of his alleged links with militants. In order to avoid his arrest, Hakam Singh left home. For the next two years, the police detained his brothers and nephews.

Balkar and Hakam died on 4 November 1990. That evening, the local station of the AIR broadcast a report about the killing of seven militants, including Balkar Singh and Hakam Singh, in an encounter near village Jand under Valtoha police station. The newspapers published the same report the next morning. The family members were unable to verify whether the reported encounter was real or rigged.

On 5 November 1990, the families of those who had been killed gathered outside the Patti police station where the bodies were lying before the cremation. The relatives were, however, not allowed to approach the bodies or to look at them. The police also prevented them from attending the cremations, which they performed themselves.

Jaswant Singh gave us the following list of people killed:

- [1] Hakam Singh, s/o Gurmej Singh, resident of Dasuwal;
- [2] Sukhdev Singh, s/o Balbir Singh, resident of Rasool Pur;
- [3] Gulzar Singh, s/o Ajaib Singh, resident of Multan Bagh;
- [4] Balkar Singh, s/o Karnail Singh, resident of Jor Singh Wala;
- [5] Mukhtiar Singh, resident of Bundala, district Ferozepur; and
- [6] Gora, resident of Kamala Bodla.

Gurmej Kaur also gave the name of the seventh person killed as Balkar Singh Mand, son of Hari Singh and resident of Jodh Singh Wala. The CBI's list of identified cremations shows the funeral of the four out of these six. The cremations of Gora, resident of Kamala Bodla, and of Mukhtiar Singh, resident of Bundala in Ferozepur district, are shown in the list of those partially identified under Serial Nos. 22/288 and 23/290. The post-mortem reports are marked as MS-192/90 and MS-194/90.

88. Under serial no. 104/296, the list identifies the cremation of Sukhchain Singh alias Sukha, s/o Darshan Singh Jat, r/o Bhai Ladoo, carried out by ASI Pritam Singh of Patti police station on 14 November 1990, under FIR no. 208/90. The post-mortem report is marked as KS 1/90. The cause of death is said to be "police encounter".

The committee has acquired the following information through its incident report form no. CCDP/01590. The main informant is the victim's brother Lakhbir Singh.

Twenty-four-year-old Sukhchain Singh, s/o Darshan Singh and Balwinder Kaur, was a young farmer from village Bhai Ladhu under Bhikhiwind police station in Patti sub-division of Amritsar district. He was married to Baljit Kaur and was the father of



Sukhchain Singh

a son, Jatinder Singh, who is now 12.

A baptized Sikh, Sukhchain had taken active part in the agitation for greater autonomy for Punjab, launched by the Akali Dal in July 1982 and later joined by Jarnail Singh Bhindranwale. Sukhchain was a follower of Bhindranwale. After Operation Blue Star, the police began to raid Sukhchain's house regularly and detain him for questioning under torture about his political and militant connections. In 1987, the Valtoha police registered a case against him under the Arms Act and sent him to jail. The police had framed him without any evidence, and Sukhchain was able to obtain his release on bail within six months. However, the police

harassment and raids continued and Sukhchain decided to leave home. The police then began to target his family members, arresting his father and brother Lakhbir Singh often and subjecting them to brutal torture. The police also demolished his ancestral house in the village, forcing his family to live as refugees with friends and relatives.

In the night between 13 and 14 November 1990, Sukhchain and one of his associates Mukhtiar Singh from Varnala village, were trapped in a police cordon near a petrol pump on the road to Patti. There was an exchange of fire and the police shot both of them dead. After the post-mortem, the police carried out the cremations, but allowed his mother and some other family members to attend.

All of the Punjab newspapers reported the encounter and the killing of Sukhchain Singh and Mukhtiar Singh, s/o Hardeep Singh of Varnala village under Valtoha police station. However, the CBI's list of identified cremations mentions records only the cremation of Sukhchain Singh on November 14. The list of partially identified cremations, Under serial no. 24/297, shows that Mukhtiar Singh alias Mukha, s/o Hardeep Singh was cremated on 29 November 1990 by SHO Jagdish Singh of Tarn Taran's Sadar police station under FIR no. 116/90. It is not clear why Mukhtiar's cremation was carried out nearly two weeks later by officials of a different police station under a another FIR no., if he had also been killed along with Sukhchain Singh in the same encounter on the night between November 13 and 14. The FIR no. under which Mukhtiar was cremated matches the FIR no. of cremations carried out Under serial nos. 25/301 and 26/302, partially identified as Bagal Singh, r/o Hoshiarpur and Gurdeep Singh Mehra, r/o Pakhoke. Mukhtiar Singh and Bagal Singh even share the same post-mortem report number.

89 - 90. Under serial nos. 105/306 and 106/307, the list identifies two cremations carried out by ASI Amrik Singh of Valtoha police station on 3 December 1990 under FIR no. 127/90. They are of: [1] Satnam Singh alias Satta, s/o Tara Singh, r/o Bundala; and [2] Kulwant Singh, s/o Pala Singh, r/o Assalutar. The post-mortem reports are marked as JS 3/90 and JS 4/90. The cause of death is identified as "police encounter".

The committee has gathered the following information regarding Kulwant Singh through its incident report form no. CCDP/01248. The main informant is

Pala Singh Fauji, the victim's father.

Kulwant Singh, a 24-year-old resident of Qila Sodhian Wala under Valtoha police station and the son of Pala Singh Fauji and Mohinder Kaur, had received religious education at the Dam Dami Taksal under the leadership of Jarnail Singh Bhindranwale. He participated in the agitation for the implementation of the Anandpur Sahib resolution before Operation Blue Star and was arrested after the army stormed the Golden Temple in June 1984. The police later arrested him again and detained him under TADA. He was acquainted with many of those involved in the militant movement.

On 3 December 1990 morning, Kulwant Singh was at home when Satnam Singh, alias Satta, resident of Bundala village in Ferozepur district came to visit him. Satnam Singh was a militant wanted by the police. They soon traced him and minutes later, a large police force from Valtoha police station raided the house and arrested both Kulwant Singh and Satnam Singh. With their hands tied to their back, the police asked them to walk towards village Kotli. The police told the family members and the villagers to stay indoors and not look out.

An hour later, the Valtoha police staged the "encounter" with a lot of gunfire. After waiting for sometime, Kulwant's father Pala Singh, accompanied by several village elders, went to Valtoha police station where he found out that the bodies had already been sent for a post-mortem to Patti hospital. He saw the bodies of his son and Satnam Singh at the hospital. The police allowed him to attend the cremations. Around 5 December 1990, *Ajit* carried a report on the encounter.

Kulwant Singh's maternal uncle Lakhwinder Singh, s/o Thakar Singh, resident of Bahadargarh Nagar under Valtoha police station, was also killed in a separate incident.

91 – 93. Under serial nos. 107/322, 108/324 and 109/325, the list identifies three cremations carried out on 24 January 1991 by SHO Surinder Singh of Valtoha police station and SI Raghubir Singh of Harike police station. SHO Surinder Singh cremated: [1] Rasool Singh, s/o Atma Singh, r/o Thathi Jaimal Singh under FIR no. 5/91. SI Raghubir Singh of Harike police station carried out two cremations under FIR no. 1/91. They are of: [1] Kashmir Singh, s/o Banta Singh, r/o village Khara; and [2] Lakhwinder Singh alias Lakha, s/o Surinder Singh, r/o Kaler. The post-mortem reports are marked as MS 17/91, MS 15/91 and MS 16/91. The cause of death in all three cases is given as "police encounter." Although these cremations were carried out by two different police stations under separate FIR numbers, they are related cases and will be discussed together.

The committee has collected the following information regarding Rasool Singh and Kashmir Singh through its incident report form nos. CCDP/01591 and 01599. The main informants are Rasool Singh's brother Sukhchain Singh Fauji and Kashmir Singh's widow Sukhwinder Kaur.

The correct name of Rasool Singh is Rasal Singh, the 18-year-old son of Atma Singh and Charan Kaur, resident of village Thathi Jaimal Singh Wali, post office Kalia Sakatteran under Valtoha police station in Patti sub-division of Amritsar district. While in high school, Rasal began associating himself with persons involved in the underground militant movement. The police began to raid his house and detain his

family members for interrogation under torture for information about his whereabouts. The family did not have this information. Rasal Singh's fate became fatally tangled with the destiny of a man with a very diverse background. His name was Kashmir Singh.

Thirty-two-year-old Kashmir Singh, son of Banta Singh and Dhann Kaur, was a resident of village Khara, Patti Jhandu Ki under Sarhalli Kalan police station in Tarn Taran sub-division of Amritsar district. He was a farmer married to Sukhwinder Kaur, with two daughters and a son.

Kashmir Singh's father Banta Singh was an officer of the Punjab police who retired from the service in January 1992. One of his three brothers was also a policeman. In 1988, the youngest of the four brothers Balkar Singh, who had just passed his higher secondary school examination, was abducted by SHO Darshan Singh Mann of Sarhalli Kalan police station, along with Gurbhej Singh, s/o Joginder Singh, of the same village. The police probably suspected that they were involved with the armed underground. Banta Singh met SHO Darshan Singh Mann who promised to release Balkar Singh unharmed after completing the investigation about his involvements. In spite of these promises, both Balkar Singh and Gurbhej Singh disappeared. Balkar's mother Dhann Kaur was unable to cope with the tragedy and died as a result of the trauma.

These events had a harrowing impact on Kashmir Singh who decided to leave home to join the militant movement. The police started persecuting his family members, in their usual style, in spite the fact that his father and one brother were themselves officers of the Punjab police. But Kashmir Singh's end was very near. On 23 January 1991, Kashmir Singh and two of his associates, Rasal Singh of Thathi Jaimal Singh village and Lakhwinder Singh of Kaler village, were encircled by a joint force from Valtoha and Harike police stations, between Lakhna and Kot Data villages, and shot dead in an exchange of fire that lasted several hours. The next day, the police carried out the cremations and also permitted the family members to attend, under pressure from hundreds of people from the surrounding villages who reached Patti to express sympathy for the slain militants.

The tragedy of Kashmir Singh's family did not end with his death. On 29 April 1992, some unidentified gunmen came to the house and shot dead both Banta Singh and his son Gulzar Singh. The killers managed to escape and were never arrested, but the Valtoha police attributed the murders to internecine rivalry among militant groups. Banta Singh's only surviving son, who prefers to remain anonymous, is still with the Punjab police.

Kashmir Singh's widow Sukhwinder Kaur and her children now live at her parents' house in village Sabhran.

94. Under serial no. 110/326, the list identifies the cremation of Hardev Singh alias Deva, s/o Dharm Singh, r/o Jor Singh Wala, PS Patti, carried out by the SHO of Jhabbal police station on 27 January 1991 under FIR no. 12/91. The post-mortem report is marked as AK-27/1/91. The cause of death is given as "police encounter".

The committee has got the following information through its incident report form no. CCDP/01566. The main informant is Balbir Singh, the father-in-law of the victim's sister.

Eighteen-year-old Hardev Singh, son of Dharam Singh and Pooran Kaur, from village Jor Singh Wala in Patti sub-division of Amritsar district, had attended school till class IX. Leaving school in 1988, he started driving a taxi. In his spare time, he helped his father with the work on his agricultural land.

In the middle of 1990, the police started raiding his house with the intention of arresting Hardev Singh because they suspected his taxi was being used by militant groups. Hardev Singh did not present himself before the police as instructed by them, and instead, went underground. The police began to terrorize his family members. Over the next six months, his father, mother, sisters and their husbands were taken into custody innumerable times and brutally tortured. Their ordeals did not end even after the police killed Hardev Singh in a fake encounter.

Around 7 a.m. on 26 January 1991, Hardev Singh left the house of the headman of village Lalu Ghumman on his scooter, planning to attend a public function at village Shaheed organized by the All Indian Sikh Students Federation. He had gone only 20 meters from the house, where he had slept the night before, when the scooter suddenly stopped. Apparently, the village headman had drained the fuel out of his scooter the night before, as a part of his understanding with the police to nab Hardev. Hardev was still checking his fuel tank when the policemen who had been hiding nearby, led by SHO Gurdev Singh of Jhabbal police station, took him into custody. The news about his arrest spread and was announced by his associates at the public function organized in village Shaheed. Hardev was killed in an “encounter” organized by the Jhabbal police near village Kot Dharam Chand that same night. His family reached Patti cremation ground the next morning, but did not dare to approach the pyre while the policemen were still around. They collected the ashes after the policemen left.

The cycle of police repression against his family members continued for nearly one-and-a-half years after Hardev’s death. They were often detained and tortured to reveal the weapons and money that Hardev had allegedly hidden with them. The police did not let them cultivate their agricultural land. In the end, the family decided to sell all of their property in the village and left for Amritsar city where they presently live.

95. Under serial no. 112/329, the list identifies the cremation of Mehal Singh, s/o Gurmej Singh, r/o Talwandi Soba Singh, carried out by SHO Surinder Singh of Valtoha police station on 7 February 1991 under FIR no. 15/91. The post-mortem report is marked as MS/91 and the cause of death is given as an “encounter”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01690. The main informant is the victim’s mother Ratan Kaur.

Eighteen-year-old Mehal Singh, son of Gurmej Singh and Ratan Kaur, from village Talwandi Sobha Singh, post office Ghariala, in Patti sub-division of Amritsar district, was the only surviving son of his widowed mother. His father Gurmej Singh, a freedom fighter, was an officer with the Home Guards and had had his elder son recruited into the same service. Unable to bear the shock of the death of his elder son after a short illness, when Gurmej Singh also expired, the family responsibilities fell on Mehal Singh.

Towards the end of 1989, Patti police would irregularly arrest Mehal Singh for interrogation. They tortured him and implicated him in a case under TADA. He was acquitted by a court and then he too joined the Home Guards. According to his mother Ratan Kaur, in the middle of 1990, Mehal Singh became involved with a group of militants. He quit the Home Guards and started remaining away from home.

In the evening of 6 February 1991, Mehal Singh and one of his associates were surrounded by the Valtoha police near a gurdwara at village Thatha. Mehal Singh was killed in an encounter that followed. Ratan Kaur found out about the incident the next morning and, accompanied by members of the village council, went to Valtoha police station to claim her son's body. But the police declared the body unclaimed and carried out the cremation at Patti cremation ground. The family members were not even allowed to attend.

96. Under serial no. 113/346, the list identifies the cremation of Jagtar Singh alias Dhola, s/o Mohan Singh, r/o Rasoolpur, carried out by SHO Surinder Singh of Valtoha police station on 12 March 1991, under FIR no. 21/91. The post-mortem report is marked as KS 23/91 and the cause of death is mentioned as "police encounter".

The committee has gathered the following information through its incident report form no. CCDP/01549. The main informant is the victim's brother Balkar Singh.

Twenty-two-year-old Jagtar Singh, s/o Mohan Singh and Acchar Kaur, was a young farmer from village Rasoolpur, post office Bhangala under Valtoha police station in Patti sub-division of Amritsar district. Jagtar was married, but his widow has since remarried and does not wish to reveal her name.

Jagtar was born in a family of baptized Sikhs with five brothers who had been closely involved with the political agitation launched by the Akali Dal for a radical adjustment of the center-state relationship. This agitation led to the June 1984 Army assault on the Golden Temple. Jagtar's family members sympathized with the militant objective to establish a sovereign Sikh state and had been interacting with its proponents. In September 1988, the police arrested and killed Jagtar's elder brother Jagir Singh, along with Shinda Singh of Sur Singh Wala village, in an encounter staged in village Poonia and, thereafter, continued to view all other members of the family with suspicion and distrust. As their house was located on the fringes of the village next to their farmland, the police suspected that militants often took shelter in their house. With these suspicions, the police continued to raid their house frequently, arresting various family members and torturing them in illegal custody. The police had also tortured Jagtar several times and implicated him in criminal cases under TADA. Police persecution did not cease even after he came out of jail. The police did not spare female family members, and instead illegally detained and tortured them for long periods of time. The family was prohibited from cultivating their land. The police confiscated all of their household belongings. The farm animals were let loose and all villagers were warned through a public announcement over a loudspeaker not to provide any assistance to the family. Under these circumstances, while most relatives left the village, Jagtar decided to join the ranks of the militants.

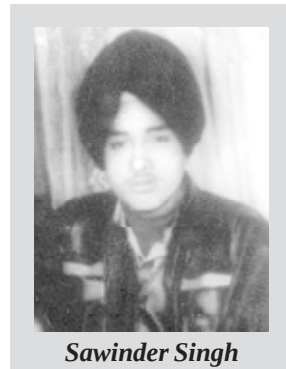
On 11 March 1991, Jagtar was arrested, apparently on a tip off, from a farmhouse

in his village by a police force led by DSP Sukhdev Singh Brar and SHO Surinder Singh of Valtoha police station. Immediately after his arrest, the police first shot him in the legs and then tortured him in the same house for several hours. Then they dragged him away to an isolated spot in the village and killed him in a staged encounter. The police brought his body back to the village for people to look at it. They forced his mother to identify his body and then took it away and did not allow any member of the family to attend the cremation.

97 - 98. Under serial nos. 114/361 and 115/362, the CBI's list identifies the cremations of: [1] Gurinder Singh, s/o Dayal Singh Jat, r/o Balipur and [2] Jagtar Singh, s/o Sadha Singh Jat, r/o Balipur on 28 March 1991. The cremations were carried out by SHO Major Singh of Tarn Taran's Sadar police station under FIR no. 28/91. The post-mortem reports are marked as MSJ 20/91 and MSJ 21/91. The cause of death is mentioned as "encounter".

The committee has gathered the following information in these two cases from its incident report form nos. CCDP/01440 and 01441. The main informants are Dayal Singh and Santa Singh, the victims' fathers.

Gurinder was the alias of Sawinder Singh, an 18-year-old boy from village Valipur, post office Palasaur under Tarn Taran city police station. He was unmarried and made his living as a tailor. He was a baptized Sikh and had no connection with any political or militant groups. The police had never arrested or interrogated Gurinder before his execution.



Sawinder Singh

around 7 p.m. on 27 March 1991, Sawinder Singh and his cousin brother Jagtar Singh, s/o Santa Singh, an employee of Punjab State Electricity Board and a resident of the same village, were cycling down to village Kherai where some of their relatives lived. On the way, over a canal bridge on Mughal Chack-Kherai road, the army had set up a checkpost. As Sawinder and his cousin Jagtar crossed the bridge, a soldier from the checkpost opened fire, killing them instantly.

The watchmen of the neighboring villages were called to the spot to identify the bodies. The watchman of Valipur recognized Sawinder Singh and Jagtar Singh and informed their families about the incident. On 28 March 1991, parents of the boys went to Tarn Taran hospital where the bodies had been sent for post-mortem. The police refused to hand over the bodies to the families, but allowed them to attend the cremations.

On 29 March 1991, Ajit carried a report on the encounter describing Sawinder Singh and Jagtar Singh as unidentified militants.

The father of Sawinder Singh, Dayal Singh soon suffered a stroke that left him paralyzed.

Jagtar Singh, a lineman with the Punjab State Electricity Board, was posted at its sub-office at Manochahal. He was also a baptized Sikh and had no political or militant associations. He had no criminal record and had never been arrested. Jagtar Singh was married to Joginder Kaur and had a daughter.

99. Under serial no. 117/385, the list identifies the cremation of Mukhtiar Singh, s/o Balwant Singh, r/o Deo, carried out by Johar Singh of Tarn Taran's Sadar police station on 12 April 1991 under FIR no. 35/91. The post-mortem report is marked as 16/91 and the cause of death is given as "police encounter".

The committee has gathered the following information through its incident report form no. CCDP/01520. The main informant is the victim's mother Jagir Kaur.

Twenty-year-old Mukhtiar Singh, son of Balwant Singh and Jagir Kaur, was a farmer and milk-vendor from village Deoo under Sadar police station of Tarn Taran. His father had died when he was very young. One of his two brothers was a policeman and the eldest, Jodh Singh, was a soldier with the Indian army and had joined the local branch of the Punjab National Bank as a security guard after retirement. Mukhtiar Singh, gave up school to look after his family farm and also started selling milk to supplement his income.

In 1987, Tarn Taran police arrested him on the suspicion of maintaining links with Sikh militants in his area. They interrogated him under torture and then implicated him in a case under TADA. But the case was so flimsy that the court released him on bail after a few months. Mukhtiar attended the court cases regularly and was acquitted. He was not arrested again.

On 11 April 1991 night, Mukhtiar Singh was watering his fields when the Sadar police supported by soldiers of the Indian army cordoned off the area for a combing operation. The next morning, some villagers discovered Mukhtiar's body, along with the body of another unidentified young Sikh, and informed his family members. Later, the village council complained to the army and the police authorities that they had killed an innocent man of the village who was watering his fields. The officers expressed regret, but took no action. The Tarn Taran police performed the cremation, but allowed the family members to attend.

The cremation of the unidentified body is recorded in the CBI's third list, Under serial no. 243/386.

100 - 102. Under serial nos. 118/387, 119/388 and 120/389, the list identifies three cremations carried out on 14 April 1991 by SHO Gulzar Singh of Tarn Taran's City police station under FIR no. 56/91. They are of [1] Nirvail Singh, s/o Amrik Singh, r/o Moose; [2] Ram Singh, s/o Shinda Singh, r/o Behni Gurmukh Singh; and [3] Kulwant Singh, s/o Mohinder Singh, r/o Moose. The post-mortem reports are marked as AK 46/91, AK 47/91 and AK 48/91. The cause of death is mentioned as "firearm injuries".

The committee has gathered the following information about these cases through its incident report form nos. CCDP/01513, 01479 and 01390. The main informants are Amrik Singh and Salwinder Singh, fathers of Nirvail Singh and Ram Singh, respectively, and Bhajan Kaur, mother of Kulwant Singh.

Twenty-two-year-old Nirvail Singh, son of Amrik Singh and Salwinder Kaur, from village Bhaini Gurmukh Singh, post office Margindpura, under Bhikhiwind police station in Patti sub-division of Amritsar district, was an unregistered medical practitioner in his village. After completing high school, Nirvail worked for three years under one Dr. Bhullar in Bhikhiwind and then opened a clinic in his village. He was

married to Sukhchain Kaur and had a daughter Ramanpreet Kaur.

Around November 1990, DSP Paramjit Singh Teja detained Nirvail for interrogation because he suspected him of helping Sikh militants. Nirvail was released after 15 days of illegal custody. But the police remained suspicious and started raiding his house to arrest him again. To keep him out of the troubles, Nirvail's parents decided to send him to live with a relative in Maharashtra. Nirvail Singh persuaded Ram Dev Singh of his village to accompany him.

Ram Dev Singh was only 14. His father's name, mentioned in the CBI's list as Shinda Singh, is actually Salwinder Singh. Ram Dev was a baptized Sikh.

In 1990, Salwinder Singh made his son Ram Dev drop out of school and run a grocery store in the village because he feared that at school his son might develop contacts with people involved in the militant movement. He was particularly concerned about Ram Dev's friendship with Nirvail Singh of his own village whose house had been raided by the police a few times.

Early 1991, Ram Dev went to Mumbai with Nirvail ostensibly to find a job for himself as a truck driver. Salwinder Singh did not like this, but he could not stop his son from going. While Ram Dev was away, the police did not come to the house to make inquiries. So, he assumed that all was well with his son.

On 13 April 1991, Nirvail's sister-in-law was getting married in her village Palasaur. Apparently, Nirvail and Ram Dev came back to their village riding a truck that belonged to Kulwant Singh.

Twenty-two-year-old Kulwant Singh, a truck driver, was the only son of his widowed mother Bhajan Kaur, and was from Moose village under Jhabbal police station. He was married to Lakhwinder Kaur and had never been arrested or interrogated before. It is not clear whether Kulwant was already acquainted with Nirvail and Ram Dev, or whether they had just taken a ride in his truck because they belonged to neighboring villages and Kulwant was returning home. In any case, Kulwant Singh did not go with them to Palasaur. He parked his truck outside Gurdwara Thathi Khara and went inside to offer his prayers. Nirvail and Ram Dev left for Palasaur on a scooter they borrowed from a person known to them at the gurdwara.

A police convoy moving on the Tarn Taran – Jhabbal road, led by SP (operations) Khubi Ram, noticed Nirvail and Ram Dev riding a scooter on the road from Noordi leading to Palasuar. SP Khubi Ram, without issuing any warning, opened fire, killing both of them on the spot. Nirvail and Ram Dev were carrying their driver's licenses, but on 14 April 1991, *Ajit* and *Jagbani* reported the incident as an encounter in which three unidentified militants were killed.

On 14 April 1991 early forenoon, Nirvail Singh's family in the village received the information that the police had killed Nirvail Singh and Ram Dev Singh in an alleged encounter near village Noordi, and arrested one Kulwant Singh of Moose village under Jhabbal police station from the gurdwara at village Thathi Khara. He was also killed later.

The police claimed that Kulwant Singh was killed in the same encounter. But according to his mother Bhajan Kaur, Kulwant Singh had completed his prayers and was eating in the *langar* [community kitchen] of the gurdwara when the Tarn Taran City police carried out a raid and took Kulwant Singh into custody. The police falsely claimed that he was killed in the "encounter" along with Nirvail Singh and Ram Dev Singh.

A member of the gurdwara management committee at village Thathi Khara, where Kulwant Singh had left his truck, went to Nirvail Singh's house and informed the family about the incident. After this, the family members of Nirvail Singh and Ram Dev Singh together reached the hospital in Tarn Taran where the bodies had supposedly been sent for post-mortem. The police had already taken the bodies away for cremations and pyres were burning when they reached Tarn Taran cremation ground.

The Tarn Taran police went to Kulwant Singh's house around 2 p.m. on 14 April 1991 and asked his grandfather Gurmej Singh to come along with them to witness the cremation. But the pyre had already been lit and Kulwant's body had been reduced to ashes when he reached the cremation ground.

Following the incident, Ram Dev Singh's mother Prakash Kaur reportedly became mentally instable. Ram Singh's grandfather Gian Singh became bed-ridden and died one year after the incident.

103. Under serial no. 121/392, the list identifies the cremation of Niranjan Singh, s/o Boor Singh, r/o Behla village, carried out by inspector Harbans Singh of Tarn Taran's city police station on 18 April 1991 under FIR no. 58/91. The post-mortem report is marked as PS 50/91 and the cause of death is mentioned as "firearm injuries".

The committee has gathered the following information through its incident report form no. CCDP/00378. The main informant is Balwinder Kaur, the victim's widow.

Fifty-five-year-old Niranjan Singh, son of Boor Singh and Kartar Kaur, was a small farmer with only three acres of land in village Behla, post office Rataul, in Tarn Taran sub-division of Amritsar district. He was married to Balwinder Kaur, and had three sons and a daughter. The eldest daughter Ranjit Kaur is now in her thirties. His second son Sakattar Singh had turned 22 in June 1992. To support his large family, Niranjan Singh used to sell milk from three buffaloes he owned. He had no trouble with the police and had never been suspected of any political or militant associations.

Around 10 a.m. on 8 June 1992, a large police force led by SSP Ajit Singh Sandhu and SP (operations) Khubi Ram, surrounded village Behla on the basis of information that a group of militants had been operating from an abandoned house of a former legislator Manjinder Singh. The police and the paramilitary forces surrounded the village from all sides and decided to storm the suspected house by taking cover behind a human shield. They built this shield by selecting eight residents of the village. Niranjan Singh was one of those chosen for the purpose. His sons Sakattar Singh and Sukhchain Singh were also included. Others chosen to form the human shield were Kartar Singh, s/o Aasa Singh; Lakhwinder Singh, s/o Channan Singh; Ajit Singh, s/o Mangal Singh and one Gurmej Singh.

Police officers asked these people to form a frontal phalanx and to walk ahead of their forces into the marked house. Once inside, the police discovered that the house had a bunker without a visible approach and was probably connected to an underground exit. They started demolishing the cellar's roof, but kept the villagers in front of them. Soon, the militants holed up in the cellar started firing. The police retaliated from behind the human shield. The encounter lasted for 32 hours. Six persons

constituting the human shield, including Niranjn Singh and his son Sakatter Singh, were killed. His second son Sukhchain Singh escaped with bullet injuries on his back.

Three militants holed up inside the bunker were also killed. Their names are: [1] Surjit Singh Behla, s/o Tarlok Singh; [2] Sukhdev Singh Maddi, s/o Santokh Singh, both of Behla village; and [3] Harbans Singh of Sarhalli Kalan.

The police declared all nine persons killed in this encounter, including the six who constituted the human shield, as militants and cremated them without permitting the family members to attend the funeral.

The incident provoked angry newspaper reports and editorial comments and the Punjab government ordered an inquiry to stifle the criticism. There was, however, no follow up and no action taken against those responsible for the action.

The CBI curiously lists Niranjn Singh's cremation as having occurred over a year earlier than its actual date. Also, the CBI list of partially identified cremations duplicates the record of Niranjn Singh's death, although in that entry, it properly records the actual date of his cremation. The CBI list partially identifies the cremations of Surjit Singh, r/o Behala, Sikkatar Singh; r/o Behala, Niranjn Singh, r/o Behala; Madan Singh, alias Maddi; and Kartar Singh, r/o Behala Under serial nos. 69/703, 70/704, 71/705, 72/706, and 73/708, respectively, all carried out on 9 June 1992 by SHO Gurbachan Singh of Tarn Taran City police station under the same FIR no. 57/92. The post-mortem reports are marked as PS-23/92, SN-1092, SN-11/92, OPG-11/92, and OPG-22/92, respectively. The cause of death is given as "police encounter". The CBI list fully identifies the cremations of Ajit Singh, s/o Mangal Singh, r/o Behla, Lakhwinder Singh, s/o Channan Singh Jat, r/o Warpal, and Harbhans Singh, s/o Mehr Singh Jat, r/o Sarhalli, Under serial nos. 188/707, 189/709, and 190/710 respectively.

These cremations, mentioned in the identified and partially identified lists of the CBI do not account for the body of Gurmej Singh, one of the six villagers forced to become a human shield and killed. The CBI's list of unidentified cremations does not show any cremation on 9 June 1992.

104 – 105. Under serial nos. 122/399 and 123/400, the list identifies two cremations carried out by ASI B. Singh of Tarn Taran's Sadar police station on 2 May 1991 under FIR no. 44/91. They are of [1] Balwinder Singh alias Fauji, s/o Jarnail Singh, r/o Dayal Rajpur; and [2] Samer Singh, s/o Kundan Singh Mazhabi, r/o Thathian. The post-mortem reports are marked as GSD-3/91 and GSD-4/91. The cause of death is given to be "firearm injuries".

The committee has gathered the following information about Balwinder Singh through its incident report form no. CCDP/01552. The main informant is Gurbachan Kaur, the victim's mother.

Balwinder Singh, son of Jarnail Singh and Gurbachan Kaur, was a bank employee from village Dayal Rajpur, post office Sehbazpur, under Patti police station. After completing his matriculation, Balwinder got a job at the Amrisar branch of the UCO bank. He was still unmarried when Balwinder had a quarrel with a resident of his village that became vicious, resulting in the murder of his adversary. Balwinder was arrested and convicted of murder and sentenced to life imprisonment. In 1989, Balwinder, when he was released for some months on parole, he decided not to return to jail and went underground. The police started raiding his house and

arresting his family members to obtain information about Balwinder's whereabouts.

While Gurbachan Kaur was narrating the background of her son's arrest in 1991, her elder daughter and son came out of the house and asked The committee members to explain the purpose of their inquiries. After hearing about the Supreme Court's order and the proceedings before the NHRC, Gurbachan Kaur's surviving children refused to provide any further information. Becoming very emotional, they pointed out that the family had already suffered enough police atrocities and did not want to face further troubles by making any complaint. They pointed out that Balwinder was arrested and killed in a fake encounter, but they did not want to make any complaint or seek justice because, as they pointed out, justice is impossible and the police would not spare them for making complaints.

106. Under serial no. 124/409, the list identifies the cremation of Kala Singh, s/o Jagir Singh, r/o Mogal Chak, carried out by the SHO of Tarn Taran's city police station on 9 May 1991, under FIR no. 66/91. The post-mortem report is mentioned as KK 99/91. The cause of death is mentioned as "police encounter".

The committee has got the following information through its incident report form no. CCDP/01442. The main informant is Mohinder Kaur, the victim's mother.

Kala Singh alias Amrik was a resident of village Valipur, post office Palasaur under Tarn Taran's City police station. The youngest among four brothers in a family with only three acres of agricultural land, Kala Singh made his living as a *paathi* (ceremonial reader) of the Sikh scriptures. One of his elder brothers was then in the Indian army. Kala Singh was 25, unmarried and was acquainted with many who belonged to underground militant groups.

On 9 May 1991, Kala Singh was in a house at village Rataul along with five others connected with the armed underground organizations when the paramilitary forces and the police carried out a joint operation resulting in their deaths. The exchange of fire was real and lasted several hours. One police officer was also killed in the course of this operation.

The police cremated all six bodies without informing their family members. Apart from Kala Singh, those cremated were:

- [1] Harjinder Singh Pehalwan, resident of Lopoke;
- [2] Mehar Singh Fauji, resident of Lopoke;
- [3] Jagtar Singh of Bhorsi Rajputan, under police station Jandiala Guru;
- [4] Lakhwinder Singh, resident of Takhu Chack, in Tarn Taran sub-division; and
- [5] Lakhwinder Singh, resident of Mughal Chack in Tarn Taran.

107. Under serial no. 125/418, the list identifies the cremation of Joginder Singh, alias Jinda, s/o Chanchal Singh, r/o Muradpur, carried out by inspector Jagdish Singh of Tarn Taran's city police station on 25 May 1991 under FIR no. 74/91. The post-mortem report is mentioned as AK 61/91. The cause of death is mentioned as an "encounter".

The committee has got the following information through its incident report form no. CCDP/01423. The main informant is the victim's brother Dalbir Singh.

Joginder Singh, from Muradpur, Bhatha Colony [Jand Pir] in Tarn Taran city, was

18 and the youngest in a very poor family of *Mazhabi* Sikhs. He was unmarried and earned his livelihood as a laborer. He was clean-shaven and was not religiously inclined. He was not a party to any political or militant associations and had no police record.

On 24 May 1991, Joginder Singh was abducted from his house by three to four unidentified armed men in civil clothes. His parents, who have since died, did not know if the abductors were policemen in plain clothes or militants. The next day, some officers from Tarn Taran City police station came to the house and asked Joginder's elder brother Hardev Singh and other family members to come to village Mallian where Joginder Singh's body was lying. The officers did not explain what had happened to him or how he died. Victims of militant violence in Punjab received compensation, which Joginder Singh's family did not receive. The CBI's list mentions the cause of death as an "encounter".

108 - 110. Under serial nos. 126/419, 127/420, and 128/421, the list identifies three cremations on 26 May 1991 carried out by ASI Major Singh of Tarn Taran's Sadar police station under FIR no. 57/91. They are of: [1] Harhej Singh alias Beja, s/o Joga Singh, r/o Lal Para; [2] Kabul Singh, s/o Sahib Singh, r/o Miani Kalan; [3] Balwinder Singh, s/o Surjan Singh Mazhabi, r/o Banwali Pura. The post-mortem reports are marked as GSD-34/91, GSD-35/91 and GSD-36/91. The cause of death is stated to be an "encounter".

The committee has gathered the following information about Harbhej Singh through its incident report form no. CCDP/01430. The main informant is Joga Singh, the father of Harbhej Singh.

According to Joga Singh, the CBI has mistakenly recorded his son's name as Harbhej Singh. His actual name was Gurbhej Singh, alias Bheja. Gurbhej Singh (20), was the eldest of five brothers and had become involved in the militant movement soon after finishing school. He was unmarried and lived in Lalpura, Randhawa Patti under Tarn Taran Sadar police station, until he decided to leave home to join the militant underground. Tarn Taran police used to pick up his parents, Joga Singh and Kashmir Kaur, torturing them in illegal custody for information and coercing them to produce Gurbhej Singh. But they were not able to provide information because Gurbhej Singh had cut off all contact with them. Joga Singh was charged under TADA for harboring terrorists and sent to jail where he remained for nearly three years. His wife Kashmir Kaur went into hiding to save her young children. The police confiscated their household goods. Joga Singh was still in jail when the police killed Gurbhej Singh.

Gurbhej Singh was killed on 26 May 1991 in an incident that the police calls an "encounter". It happened at Gurdwara Patshahi at village Sangha after the police surrounded it and opened fire. Four persons including Gurbhej Singh and the head priest of the gurdwara, Baba Kabal Singh, were killed. The names of the other two killed in the incident are: [1] Balwinder Singh of Bengali Pur, who is mentioned in the CBI's list Under serial no. 128/421; and [2] and Kashmir Singh of Kotli Nazirpur, who does not figure in the CBI's lists.

Joga Singh was in jail at that time. His wife was also in hiding and her younger sons were too young to know the details of the incident. Hence they are not in a

position to claim if Gurbhej and his associates had been captured first and then shown killed in an encounter or whether they died in a genuine confrontation. On 27 May 1991, *Ajit* and *Jagbani* reported the incident, based on the official briefing, as an encounter.

The family never saw the body and police carried out the cremation without even informing Joga Singh in jail.

The Punjab police also killed Gurbhej Singh's maternal uncle Bara Singh, s/o Channan Singh of Chambal village near Sheron in Tarn Taran sub-division, in a separate incident.

111. Under serial no. 129/426, the list identifies the cremation of Shinda, s/o Kabal Singh, r/o Jodhpur, carried out by SI Ram Nath of Tarn Taran's City police station on 30 May 1991, under FIR no. 78/91. The post-mortem report is marked as HKD-13/91 and the cause of death is given as an "encounter".

The committee has gathered the following information about this case through its incident report form no. CCDP/01629. The main informant is the victim's uncle Shamsheer Singh.

The name of the person identified in the CBI's list as Shinda was Gurinder Singh alias Ginda, son of Kabal Singh and Swaran Kaur. He was a resident of Jodhpur village, under Tarn Taran's Sadar police station, in Amritsar district. After completing his matriculation, Gurinder joined a finance company as a clerk, but later quit the job to settle down as a farmer. He married Rajwinder Kaur, but they did not have children.

Gurinder's father Kabal Singh had retired from the Indian army to join the Punjab and Sindh Bank as a gunman. From early 1987, the local police began to raid Kabal Singh's house to apprehend his brother Avtar Singh who had apparently joined the militants. Kabal Singh and his sons had nothing to do with him, but the police detained them often for interrogation. Eventually in 1990, Avtar Singh was arrested and killed in an encounter staged in Patiala district, but the police suspicion against the family continued.

Sometime later, a group of militants robbed the bank at which Kabal Singh worked as a security officer. The authorities suspected Kabal Singh's involvement and, eventually, following his brutal torture under interrogation, implicated him in a criminal case.

On 30 May 1991, around 11 a.m. a large group of police officials from Tarn Taran surrounded Kabal Singh's house. Apparently, three militants led by Nishan Singh of Bhattal Bhai Ke village, had taken shelter in his house and the police had been tipped off by local informers. Kabal Singh himself was in jail, but his son Gurinder was home. On seeing the police force, Nishan Singh jumped over the boundary wall of the house into the agricultural fields behind to escape. The police fired at Nishan Singh and chased him into the fields. The firing continued for a long time. Meanwhile, two other companions of Nishan Singh and Gurinder Singh were taken into custody and forced to move ahead of the police in the direction Nishan had gone. The police operation continued till late in the evening and the family members could not find out exactly what happened thereafter.

The next day, several Punjabi newspapers published a report about the

encounter in which Nishan Singh and Gurinder Singh had supposedly been killed. The cremations were carried out by the police.

According to Shamsher Singh, Gurinder's uncle, the police also killed the other two boys who had been apprehended along with Gurinder. One of them was a resident of village Naraingarh under Jandiala Guru police station and the other was from Roore Asal village. However, their cremations are not included in the CBI's lists and it is not clear what happened to their bodies. The CBI's list of partially identified cremations mentions the cremation of Nishant Singh, r/o Bhathal Baike Under serial no. 37/427. Nishan Singh's name has been misspelled. He was cremated on 30 May 1991 by SI/SHO Ram Nath of Tarn Taran City's police under the same FIR no. 78/91. The post-mortem report number is HKD-14/91 and the cause of death is given as a "police encounter".

Shamsher Singh himself was arrested two days later and, following brutal torture under interrogation that lasted two months, implicated in several criminal cases. Shamsher Singh remained in jail for three-and-a-half years and then was acquitted in all of the cases by the court.

112. Under serial no. 130/452, the list identifies the cremation of Amarjit Singh alias Amba, s/o Kashmir Singh, r/o Ransinghwal, carried out by SHO Surinder Singh of Valtoha police station on 9 July 1991 under FIR no. 48/91. The post-mortem report is marked as SLG-62/91. The cause of death is given as an "encounter".

The committee has gathered the following information through its incident report form no. CCDP/01535. The main informant is Kashmir Singh, the victim's father.

Thirty-six-year-old Amarjit Singh, s/o Kashmir Singh and Charan Kaur, was a farmer, resident of village Ram Singh Wala, post office Bhangala under Valtoha police station in Patti sub-division of Amritsar district. Eldest of the five brothers, Amarjit helped his father in providing for the family. Starting 1989, however, he began to encounter problems with the police who suspected him of having links with Sikh militants. Fearing custodial torture, Amarjit left home and joined the militant underground.

The police atrocities against other family members became so intense that all of them left their village and went into hiding. The police did not give the family respite until they had captured and killed Amarjit.

A group of officers led by DSP Sukhdev Singh Brar of Valtoha police captured Amarjit on 6 July 1991 from the farmhouse of Khushal Singh in village Saidon. Amarjit had been friendly with Khushal Singh's sons, Darshan Singh and Udham Singh. Amarjit was taken to Valtoha police station where he remained in illegal custody for the next two days. Amarjit was killed in an "encounter" that the police staged near village Bahadar Nagar in the night between the July 8 and 9. The encounter was reported in several Punjabi newspapers.

The police carried out the cremations. Close family members were themselves in hiding from the police and could not attend the cremation. The police prevented distant relatives, who came to the cremation ground, from attending the funeral.

113. Under serial no. 131/464, the list identifies the cremation of Baghal Singh, s/o Labh Singh, r/o Sabhra, carried out by inspector M. Singh of Tarn Taran's Sadar

police station on 16 July 1991, under FIR no. 95/91. The post-mortem report is marked as SM-25/91. The cause of death is mentioned to be “firearm injuries”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01675. The main informant is the victim’s father Labh Singh.

The correct name of the person identified by the CBI’s list as Baghal Singh was Gehla Singh alias Baghel Singh. Son of Labh Singh and Jagdeep Kaur, 23-year-old Gehla Singh was a motor mechanic from Sabhra village, Patti Gadai Ki, in Patti sub-division of Amritsar district. Gehla Singh’s workshop was next to the bus stand in village Sabhra. He was unmarried.

In 1990, Gehla Singh came in contact with persons involved with the militant movement and began associating with their activities. The police came to know about his links and started raiding his house to arrest him. But Gehla Singh dodged the police and began to stay away from home.

Around 3 p.m. on 15 July 1991, Gehla Singh was on the highway close to village Jaura and signalled a truck to stop for a lift. Unfortunately for him, a group of policemen were travelling in the truck. They recognized Gehla Singh and immediately shot him dead.

The family members found out about the incident on July 16 but did not dare to approach the police to claim the body. The police carried out the cremation.

114 – 115. Under serial nos. 132/474 and 133/475, the list identifies two cremations carried out by the SHO of Harike police station on 25 July 1991 under FIR no. 37/91. They are of [1] Sukhdev Singh, s/o Buta Singh Sansi, r/o Booh; and [2] Swaran Singh, s/o Sadhu Singh Mazbi, r/o Chamba. The post-mortem reports are marked as SS-4/91 and SS-5/91. The cause of death is described as an “encounter”.

The committee has gathered the following information about these cases through its incident report form no. CCDP/01585 and 01620. The main informants are Sukhdev’s mother Mohinder Kaur and Sarwan’s father Sadhu Singh.

Sarwan Singh, wrongly described in the list as Swaran Singh, was the twenty-two-year-old son of Sadhu Singh and Surjit Kaur, resident of Chamba Khurd, under Sarhalli Kalan police station, in Tarn Taran sub-division of Amritsar district. He was a *Mazhabi* Sikh with no links with the political or militant movement in Punjab. His father Sadhu Singh had retired as a constable of the Punjab police. Sarwan was unmarried and earned his livelihood by selling poultry around his village on his bicycle.

Twenty-eight-year-old Sukhdev Singh, son of Mohinder Kaur and Bawa Singh Fauji, wrongly described in the CBI’s list as Boota Singh Sansi, was an operator of the combined harvesting machine. He was from village Booh, post office Harike, in Tarn Taran sub-division of Amritsar district. Sukhdev belonged to the Sansi group of Sikhs, recognized by the Indian Constitution as a scheduled caste and an economically backward community. He was married to Jasvir Kaur had a daughter and a son who are now 13 and 11. According to Sukhdev’s mother, he had no political or militant association and had never been arrested or interrogated. It is not clear whether

he was acquainted with Sarwan Singh or not.

One morning in late July 1991, Sarwan Singh went out on his vending business but did not return home. His parents began to get nervous when he did not return after some days and tried to inquire from various relatives. They failed to obtain any information.

In April 2002, members of the CCDP approached Sadhu Singh at his village for information about the circumstances in which Sarwan Singh got cremated by the police, as recorded in the CBI's list, on 16 July 2002. Sadhu Singh and his family members were initially taken aback and spent a fair amount of time ascertaining our source of information about Sarwan Singh's cremation. They had not heard of the CBI's investigation ordered by the Supreme Court and did not know anything about the proceedings before the NHRC. After being informed about these developments, Sadhu Singh and his family members broke into tears. Sadhu Singh's wife refused to believe that her son had been killed and cremated. According to Sadhu Singh, he had consulted several astrologers and soothsayers in Amritsar about the fate of his son after he had disappeared in July 1991 and had been reassured that he was alive. He had paid Rs. 300 to a famous astrologer to reconfirm these predictions.

In the end, Sadhu was willing to believe that the police may have killed and cremated Sarwan Singh, but was unable to provide any information. His wife, Surjit Kaur, wanted to know why the police had not informed her.

According to Sadhu Singh and his wife, Sarwan Singh and other members of the family had no association with the political or the militant movement in Punjab.

According to Sukhdev's mother, her son, accompanied by his wife Jasvir Kaur, was visiting his aunt Harbans Kaur, wife of Mohinder Singh, at village Kirtowal when he was arrested by a group of police officers led by the SHO of Harike police station. His arrest was witnessed by Harbans Kaur and other village residents. The family was unable to do much to save him from the illegal arrest.

On 26 September 1991, Punjabi newspapers published a report about his killing in an encounter, along with Sarwan Singh. The family was not informed about the cremation and could not even collect the ashes.

116. Under serial no. 135/492, the list identifies the cremation of Santok Singh, s/o Surjit Singh, r/o Jaghal, carried out by SHO Gurnam Singh of Harike police station on 7 August 1991, under FIR no. 38/91. The post-mortem report is marked as OPG 10/91. The cause of death is given as a "police encounter".

The committee has gathered the following information about this case through its incident report form no. CCDP/01699. The main informant is Malkeet Singh Pradhan, the victim's brother-in-law.

Twenty-five-year-old Santokh Singh, son of Surjit Singh and Swaran Kaur, resident of village Jaspal, under Khalchian police station, in Baba Bakala sub-division of Amritsar district, was an employee of the Punjab State Electricity Board and was posted at the sub-divisional office at Butari. Santokh did not have a criminal background, but in February 1989 his elder brother Gurbhej Singh had been arrested and killed in a fake encounter near Adampur in Jalandhar district. Santokh was married and had a son Gagandeep who is now 12. His widow has since gone back to her parents and has remarried.

Around 6 p.m. on 31 July 1991, Santokh returned home from work. Two hours later, a large group of policemen led by SHO Major Singh of Tarn Taran's Sadar police station raided his house and took him into custody. All the family members were home and they began crying as the officers took him away. SHO Major Singh told them not to worry and asked them to come to the police station the next morning. He said that the police needed Santokh for interrogation and would release him after a few days.

The next morning, Swaran Kaur, accompanied by members of the village council and some of her relatives, went to the Sadar police station and met the SHO. The SHO repeated his promise to release Santokh after his interrogation some days later. Over the next days, she also met SP (operations) Khubi Ram and SSP Narinder Pal Singh to request them to intervene to save her son's life. They listened to her pleas but remained noncommittal.

SHO Major Singh soon refused to see Swaran Kaur, who continued her efforts to trace her son without any success. Swaran Kaur realized that her son could not be alive. But she did not know exactly what happened to him.

In 1995, Swaran Kaur filed a petition before the High Court of Punjab and Haryana to ask for an independent inquiry. The High Court ordered the CBI to investigate her complaint. The investigation and its findings resulted in the institution of a case against SHO Major Singh. The trial is still on.

117. Under serial no. 136/495, the list identifies the cremation of Bikram Singh, alias Chatar Singh, s/o Sewa Singh Jat, r/o Deo carried out by Johar Singh of Tarn Taran's Sadar police station on 19 August 1991, under FIR no. 107/91. The post-mortem report is numbered SK 1/91. The cause of death is mentioned as "firearm injuries".

The committee has acquired the following information through its incident report form no. CCDP/01477. The main informant is the victim's brother Davinder Singh.

Bikkar Singh alias Bikram (18), became an automobile mechanic after completing his matriculation. He set up his own workshop near the bus stand of village Baath. In 1990, the Khanna police arrested him on the charge of aiding militants and sent him to the high security prison in Nabha. Some time later, Bikkar Singh was released on bail and he attended the court hearings on two occasions.

Early August 1991, SHO Major Singh of Tarn Taran police station raided Sewa Singh's house with the intention of arresting Bikkar Singh. Since Bikkar Singh was not home, the police took his elder brother Davinder Singh into custody. The police released Davinder Singh after four days on the understanding that his father would produce Bikkar Singh at the police station.

It appears that Bikkar Singh was arrested from Tarn Taran city soon after. But SHO Major Singh denied this and the circumstances of his arrest and interrogation could not be ascertained.

On 19 August 1991, Punjabi newspapers reported the killing of Bikram Singh, Tarsem Singh Laadi and Baldev Singh in an encounter that had allegedly taken place at village Deoo itself. The police had the bodies identified by their relatives. Sewa Singh identified Bikkar Singh. The police, however, did not return the bodies to their relatives and performed the cremations themselves.

It is not clear why the names of other two killed in the same incident are recorded in the CBI's list of partially identified bodies. They are [1] Tarsem Singh, alias Ladhi Under serial no. 43/496. He was a resident of village Thatha under Sarhalli police station. But the list says he was a resident of Khalra. His father's name is Nirmal Singh, which is not given in the list. [2] The other person's name is Baldev Singh from village Meharbanpura under Jandiala Guru police station. His name is given Under serial no. 44/497. They were both cremated by Johar Singh under the same FIR no. 107/91. Their post-mortem reports are marked as SK-2/91 and SK-3/91. The cause of death is "firearm injuries".

118. Under serial no. 137/521, the list identifies the cremation of Beera Singh, s/o Shankar Sansi, r/o Rasoolpura, carried out by SHO Ram Nath of Patti police station on 18 September 1991, under FIR no. 134/91. The post-mortem report is reported as "not available". The cause of death is given as "police encounter".

The committee has acquired the following information through its incident report form no. CCDP/01533. The main informant is the victim's widow Kalash Kaur.

Forty-year-old Beera Singh, son of Shankar Singh and Harbans Kaur, was a Sansi Sikh resident of village Rasoolpur, post office Bhangala, under Valtaha police station, in Patti sub-division of Amritsar district. He earned his livelihood as a construction laborer and was married to Kalash Kaur and had four sons and a daughter. The eldest son, Mewa Singh, is now in his mid-twenties and the youngest daughter is a teenager.

The police had arrested and interrogated Beera Singh several times in the past because of their suspicion that he engaged in theft and other petty crime. In 1989, Beera Singh decided to be baptized as a Sikh. He belonged to the Sansi community, one of the Sikh scheduled castes recognized by the Scheduled Castes and Scheduled Tribes Orders [Amendment] Act, 1976. The police became suspicious of his initiation as an orthodox Sikh, and began to arrest and torture him again to find out if he had cultivated any links with the militants. Fed up of these frequent arrests and custodial persecution, Beera Singh left his home. The police then began to torment his family members, picking them up and torturing them frequently. In July 1991, SHO Surinder Singh of Valtaha police station arrested Beera Singh's brother Shinder Singh and disappeared him.

Beera Singh was arrested on 17 September 1991 from village Toot by DSP Sukhdev Singh Brar and SHO Ram Nath of Patti police station. Although the village falls under the jurisdiction of Valtaha police, Beera Singh was taken to Patti police station and interrogated under torture. The same day, the police eliminated him in an "encounter". When the family members reached the cremation ground to attend to his last rites, the police beat them up and dispersed them.

119. Under serial no. 139/538, the list identifies the cremation of Banta Singh, s/o Sucha Singh Jat, r/o Kalsian carried out by SHO Surinder Singh of Valtaha police station on 3 October 1991, under FIR no. 63/91. The post-mortem report is marked as SLG 99/91 and the cause of death is given as a "police encounter".

The committee has got the following information about this case through its

incident report form no. CCDP/01565. The main informant is the victim's brother Gurnam Singh Kavishar.

Forty-year-old Banta Singh, son of Sucha Singh and Niranjan Kaur, was a farmer from Kalsian Kalan village, Patti Jethu Ki, under Bhikhiwind police station, in Patti sub-division of Amitsar district. The eldest of three brothers, Banta Singh was unmarried.

A baptized Sikh, Banta Singh had been arrested and interrogated often under severe torture on the basis of the police suspicion that he maintained links with the militants. According to his brother Gurnam, Banta Singh could not endure these excesses and, in 1989, left home to join the ranks of the militants.

Banta Singh was killed in a supposed encounter with the police that was reported in newspapers on 3 October 1991. Gurnam Singh and other family members were unable to ascertain whether the report of the encounter was genuine or fake.

120 – 122. Under serial nos. 140/562, 141/563 and 142/564, the list identifies three cremations on 24 October 1991, carried out by the SHO of Sirhali police station under FIR no. 113/91. They are of: [1] Mangal Singh alias Manga, s/o Jagga Singh, r/o Fatehgarh Churian; [2] Charan Singh alias Chana, s/o Kartar Singh, r/o Patti; and [3] Jaswinder Singh, s/o Charan Singh, r/o Johal Raju Singh. The post-mortem reports are said to be “not available”. The cause of death is said to be “police encounter”.

The committee has gathered the following information on Jaswinder Singh's case through its incident report form no. CCDP/01516. The main informant is Gurcharan Singh, the real name of the victim's father which has been abbreviated into Charan Singh in the CBI's list.

Twenty-year-old Jaswinder Singh, son of Gurcharan Singh and Narinder Kaur, was a milk-vendor, resident of village Johal Raju Singh, Vaare Wale, under Tarn Taran's city police station. He was married to Amarjit Kaur and had a son Jarnail Singh.

Jaswinder was a baptized Sikh and used to attend religious and political functions organized by various Sikh groups in his area. The police started raiding his house from the mid 1989. Jaswinder feared torture and went underground. The police then started tormenting his family, especially targeting the women, including his wife, for custodial torture. The police wanted them to produce Jaswinder for interrogation, but they were unable to do so because they had no knowledge of his whereabouts.

On 26 October 1991, several Punjabi newspapers published a story about an encounter near village Dargapur Thathian in which Jaswinder Singh Jajj, along with two of his associates, was reported killed. The family, however, did not receive an official confirmation and the police continued to raid their house and illegally detain the family members for interrogation and torture.

Again on 18 November 1992, the newspapers in Punjab reported the killing of Jaswinder Singh Jajj in an encounter with the police near village Khunde Halal in Muksar sub-division of Faridkot district. The newspaper reports mentioned that three other associates of Jaswinder were also killed in the same encounter. Their names listed were Nishan Singh Khaparkheri, Satta of Varpal village and another person from Gharka Chamba village under Chola Sahib police station.

The family members do not know which report to believe. They neither saw Jaswinder's body nor attended the cremation.

123. Under serial no. 143/568, the list identifies the cremation of Sahib Singh, s/o Mohinder Singh, r/o Dasuwal, carried out by SHO Surinder Singh of Valtoha police station on 4 November 1991, under FIR no. 76/91. The post-mortem report is marked as SLG 107/91. The cause of death is given as "police encounter".

The committee has got the following information about this case through its incident report form no. CCDP/01523. The main informant is the victim's father Mohinder Singh.

Twenty-two-year-old Sahib Singh, son of Mohinder Singh and Piar Kaur, was a *Mazhabi* Sikh resident of Dasuwal, post office Maneke Dasuwal, under Valtoha police station, in Patti sub-division of Amritsar district. The eldest of four brothers, Sahib Singh was illiterate. He was married to Ranjit Kaur with two daughters, and supported his family by working as a farm laborer. He had no political connections and had never been arrested. Sahib Singh's father Mohinder Singh was a village watchman.

Around 8 p.m. on 3 November 1991, Sahib Singh went out to the fields to defecate. That evening, the Valtoha police, led by SHO Surinder Singh, were conducting a house-to-house search of the village. A short while later, some villagers came to inform the family that the police had arrested and taken Sahib Singh away. The family members informed the village headman and other eminent persons and went to Valtoha police station next morning to find out why the police had arrested Sahib Singh. They could not meet the SHO, but were told that he had gone with the body of a militant killed in an "encounter" last night for its post-mortem. By the time Mohinder Singh and other members of his family reached Patti, the police had already conducted the cremation.

Mohinder Singh was unable to take any action. He collected his son's ashes the next day with help from a cremation ground attendant.

124. Under serial no. 145/576, the list identifies the cremation of Swaran Singh, s/o Gian Singh, r/o Ratool, carried out by SHO Gulzar Chand of Tarn Taran's city police station on 21 November 1991. The post-mortem report is marked as BSK 46/91. The cause of death is given as "police encounter".

The committee has gathered the following information through its incident report form no. CCDP/01519. The main informant is the victim's father Gian Singh.

Thirty-year-old Swaran Singh, son of Gian Singh and Bhajan Kaur, was a carpenter resident of village Rataul, Jaichandian Di Patti under Tarn Taran's City police station. The eldest of four brothers, he was married to Swaran Kaur and had two sons and a daughter who are now all teenagers. He was a baptized Sikh and had no links with any political, militant or religious organization. Police had never arrested or interrogated him. One of his maternal uncles, Surjit Singh, was a DSP with the Delhi Police.

One day in November 1991, Swaran Singh went to work but did not return home. The family members became worried and looked for him at various police stations,

and talked to several officers, but to no avail. Swaran Singh's uncle from the Delhi police came down to make inquiries and met several senior police officials. He was also unable to trace Swaran Singh or find any information. Some weeks later, the family members heard rumors that Tarn Taran police had abducted and killed Swaran Singh. However, in the absence of an acknowledgement or even of an informal admission by the police, the family is not in a position to say anything about what happened to him. The family suspects that a news report published by *Ajit* on 23 November 1991 about the killing of an unidentified militant in an encounter with the police near Kotli village of Tarn Taran police district may actually be referring to Swaran Singh.

125. Under serial no. 146/579, the list identifies the cremation of Natha Singh, s/o Dalip Singh Jat, r/o Talwandi Subha Singh carried out by SHO Puran Singh on 25 November 1991. The post-mortem report is numbered SS 50/91. The case belonged to Harike police station under FIR no. 68/91 and the cause of death is mentioned as "encounter".

The committee has got the following information through its incident report form no. CCDP/01366. The main informant is Fateh Singh, the victim's brother.

Natha Singh, from Talwandi Subha Singh, post office Ghariala, under Patti police station, in Patti sub-division of Amritsar district, was a 21-year-old unmarried farmer. His father Dalip Singh had passed away in 1988. Natha Singh began to live in the farmhouse to look after his fields, but the police suspected him of sheltering militants and giving them food. He was arrested on such charges soon after his father's death and kept in Amritsar jail for one-and-a-half years. When the police continued to harass him even after his release on bail, Natha Singh became a fugitive. The police then started torturing his relatives, particularly his brothers. They were regularly tortured and coerced to get Natha Singh arrested.

On 24 November 1991, around 8 a.m. Natha Singh and his friend Satnam Singh, s/o Baba Karnail Singh of Jand village, were cycling down to Pangota village where Natha Singh's cousin-sister Bhajan Kaur lived. As they entered the village, they found themselves surrounded by a group of policemen from Harike police station in three vehicles, led by SHO Pooran Singh. The police took both boys into custody and drove away in police vehicles. Bhajan Kaur's husband Pashaura Singh sent a message about the arrest to Talwandi Subha Singh. That same night, however, both Natha Singh and Satnam Singh were declared dead in an encounter that was staged near village Sargana. Newspaper reports carried Natha Singh's name, but Satnam Singh was declared to be an unidentified militant. The police cremated the bodies at Patti on 25 November 1991 in the presence of family members. But Satnam Singh's cremation is placed on the list of partially identified cremations Under serial no. 56/580. His post-mortem report is marked as SS-51/91.

126. The CBI list, Under serial no. 147/582, identifies the cremation of Nirbail Singh, s/o Dilip Singh, r/o Allaudinpur carried out by SHO Major Singh of Sirhali police station on 28 November, 1991, under FIR no. 124/91. The post-mortem report is numbered PS 83/91. The cause of death is mentioned as "police encounter".

The committee has gathered the following information about the case through its incident report form no. CCDP/01379. The main informant is the victim's father Dalip Singh.

Nirvail Singh, from Aladinpur under Tarn Taran's Sadar police station, was a 35-year-old farmer, married to Amrik Kaur and had two sons, who are now 17 and 16. For some years, he had been living at his wife's ancestral village Dargapur under police station Sarhalli because his father-in-law had expired, leaving behind his young son. He needed help looking after his agricultural land. Nirvail Singh also owned two trucks and had a substantial income. He had no political or militant connections and had never been arrested.

Around 5 a.m. on 27 November 1991, Nirvail Singh went out to his fields to relieve himself. He was not aware that the police and paramilitary forces had surrounded the village for a combing operation and a house-to-house search was in progress. The security forces probably mistook him for a militant and without giving him any warning fired at Nirvail Singh, killing him on the spot. The police took his body and his family did not learn what happened to him until several hours later.

Nirvail Singh's father Dilip Singh found about his son's murder late that evening and went and met SHO Major Singh of Sarhalli police station early morning on November 28. SHO Major Singh expressed remorse at the killing of Nirvail Singh. He invited the family members to attend the cremation. The police brought the body and arranged the pyre, and the family members were able to conduct the funeral according to the religious custom.

However, on 28 November 1991, daily *Ajit* published a report describing Nirvail Singh as a militant killed in an "encounter" with the police near village Dargapur.

127. Under serial no. 148/585, the list identifies the cremation of ex. constable Ranjit Singh No. 3293/ TT, s/o Moora Singh, r/o Dodey, carried out by SHO Ram Nath of Patti police station on 1 December 1991, under FIR no. 168/91. The post-mortem report is marked SLG 112/91. The cause of death is said to be "police encounter".

The committee has gathered the following information through its incident report form no. CCDP/01538. The main informant is the victim's father Guran Singh Fauji, the actual name of Ranjit's father that has been mistakenly recorded in the CBI's list as Moora Singh.

Twenty-four-year-old Ranjit Singh, son of Guran Singh and Dalip Kaur, was a *Mazhabi* Sikh resident of village Dode [Sodhian], under Khalra police station, in Patti sub-division of Amritsar district. Ranjit was the youngest of four brothers and after completing his secondary education, like his elder brother, he joined the Punjab police. He was unmarried and had no political connections.

In early 1990, various militant groups in Punjab began to target family members of policemen for murderous attacks and warned all Punjab police officials to either leave the service or face consequences. Worried about putting his family in trouble, Ranjit stopped reporting for duty in November 1991.

One day in the last week of November 1991, Ranjit along with his friend Lakhbir Singh Fauji, s/o Tara Singh of the same village Dode, and his brother Nirvail Singh were on their way to Patti. All three were riding on the same scooter. They were

stopped at a police checkpost that had been set up near the main crossing in Patti town, and separately questioned about their identities and addresses. Nirvail Singh was allowed to leave. The police, however, took Ranjit and Lakhbir into custody.

Returning to his village, Nirvail Singh told his parents and other village elders about the detention of his brother and friend. The family members looked for them in several police stations, and also met the DSP Patti and the DSP Bhikhiwind to find out what had happened to Ranjit Singh. But they were not able to obtain any information and remained traumatized by the lack of information about Ranjit Singh's fate. When the CCDP members told Ranjit's father about his name in the CBI's list of identified cremations, he was shocked. He had asked the DSP of Patti specifically about Ranjit's abduction and his whereabouts and the DSP had categorically denied any knowledge.

The CBI's third list, Under serial no. 382/584, shows another cremation carried out by SHO Ram Nath of Patti police station on 1 December 1991, under FIR no. 168/91. The post-mortem report is marked as SLG-113/91 and the cause of death is given as "police encounter". Clearly, this was the cremation of Lakhbir Singh Fauji, s/o Tara Singh, r/o of Dode [Sodhian], which was recorded as an unidentified body. As Nirvail Singh testifies, his brother Ranjit and Lakhbir had been detained after the officers at Patti checkpost verified their names and residential addresses.

128 – 131. Under serial nos. 149/586, 150/587, 151/588 and 152/589, the list identifies four cremations carried out by SHO Gurbachan Singh of Tarn Taran's City police station on 3 December 1991 under FIR no. 160/91. The cremations are of: [1] Hira Singh, s/o Dara Singh, r/o Tur; [2] Harjinder Singh, s/o Mohinder Singh, r/o Kadgill; [3] Jagir Singh, s/o Karnail Singh Kumhar, r/o Kote Mitt Singh, Chatiwind,(?) Amritsar; and [4] Tarsem Singh, s/o Dalbir Singh Jat, r/o Bandhala. The post-mortem reports are marked as KK/SSM 31/91, KK/SSM 32/91, KK/SSM 33/91 and KK/SSM 34/91. The cause of death is given to be "firearm injuries."

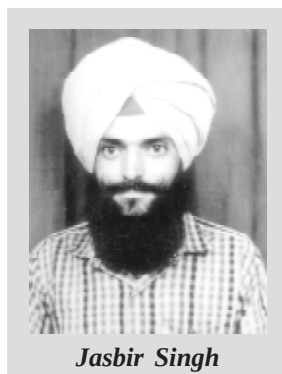
The committee has got the following information about these cases from its incident report form no. CCDP/01080. The main informant is Jasbir Singh's wife Harvinder Kaur. The CBI list has mistakenly recorded Jasbir Singh as Jagir Singh, and his father Ajaib Singh as Karnail Singh.

Twenty-eight-year-old Jasbir Singh, son of Ajaib Singh and Gurbachan Kaur, was a resident of House No. 268, Kot Mit Singh, in Sultanwind, Bhai Manj Road, under Do-Burji police station, in Amritsar district. He was married to Harvinder Kaur and had three children, two daughters and a son.

Jasbir Singh's family originally came from village Bathe Bhaini in Patti sub-division of Amritsar district. Jasbir Singh was the youngest of two brothers and two sisters. Their father Ajaib Singh, who had been dismissed from the Punjab police because of being an alcoholic, had died when Jasbir was around three-years-old. Gurbachan Kaur took the children back to her paternal village of Kot Mit Singh, purchased two acres of land, and established a dairy farm. The family prospered.

After class VI, Jasbir abandoned his studies. Two to three years later, he joined the Territorial Army and was posted with the 112 Battalion in Jalandhar. His posting only required him to be on active duty for two months a year; he spent the rest of the

time looking after his household. Soon after the army attack on the Golden Temple, Jasbir became an “Amritdhari Sikh”. He also participated in religious and political functions held in Amritsar, although he did not hold office or serve as an activist of any political party. Jasbir used to visit the Golden Temple often for these functions and prayer. In March 1986, when the police entered the temple again, Jasbir was present. They arrested him under sections 107 and 151 of the Indian Penal Code (IPC) and sent him to the Amritsar jail. After 13 to 14 days, Jasbir was released on bail and returned to his normal routine. He was discharged in the late 1980s after eight years of service.



Jasbir Singh

Jasbir helped his brother Harbhajan Singh cultivate their land. To supplement his income, he also worked on other people's land, as a result of which he used to be away in neighboring villages for days at a time.

In the last week of November 1991, Jasbir Singh left to work on someone's land with his tractor. His family got worried when Jasbir Singh did not return home after a number of days. His family apprehended that the police had detained Jasbir Singh since that was the climate of police terror during that time. However, since they had no idea where he could be, and because his older brother was bedridden because of an eye operation, his family could not search for Jasbir.

In the first or second week of December 1991, an advertisement appeared in the Punjabi daily *Ajit* appealing villagers to participate in a *bhog* (last rites) for four youths killed by the police at village Kotli. The advertisement carried a photograph of Jasbir Singh, along with the three others killed by the police. However, his name was falsely recorded as Gurnidhan Singh Fauji, resident of village Kot Mit Singh.

On the basis of this advertisement, Jasbir Singh's mother visited village Kotli, but could not gather much information. She learnt that on 3 December 1991, early in the morning, Tarn Taran police surrounded village Kotli. They made all male members of the village assemble in an open ground. The villagers heard gun shots from the other side of the village. The villagers did not talk about the incident openly, given their fear of the police.

The next day or so, Gurbachan Kaur went to Tarn Tara's City police station and enquired about Jasbir Singh. The SHO did not give her any information and advised her to see SSP of Tarn Taran, Ajit S. Sandhu. When she met him, he did not give her any information either. Eventually, the family stopped pursuing his case. Harvinder Kaur submitted a claim to the NHRC when it collected cases from relatives of those who had disappeared in Punjab.

The other three people identified in the advertisement, with their photographs, were: Heera Singh Waryam, r/o Kotli; Harjinder Singh; r/o Kadd Gill; and Tarsem Singh Laadi, r/o Bandala.

132 – 133. Under serial nos. 153/603 and 154/604, the list identifies two cremations on 28 December 1991, carried out by SHO Ram Nath of Patti police station under FIR no. 171/91. They are of: [1] Mukhtiar Singh alias Mukha, s/o Hari Singh, r/o Fatehgarh Sabrah; and [2] Buta Singh, s/o Harnam Singh, r/o

Bandhala. The post-mortem reports are said to be “not available”. The cause of death is “police encounter”.

The committee has got the following information about Mukhtiar Singh’s case through its incident report form no. CCDP/01592. The main informant is the victim’s father Hari Singh.

Thirty-year-old Mukhtiar Singh, s/o Hari Singh and Kesar Kaur, was a farmer from village Aale Wala, under Mallan Wala police station, in Zira sub-division of Ferozepur district. He was unmarried and used to work with his four brothers on their common agricultural land.

In early 1991, Mukhtiar Singh left home for some months to become a truck driver. It was during this period that he came in contact with Sikh militants. After some months, he returned to his village and resumed his normal life.

Around 10 a.m. on 27 December 1991, Mukhtiar Singh and one of his friends Boota Singh, s/o Harnam Singh from Bundala village under Mallan Wala police station in Zira sub-division of Ferozepur district, were sitting in a farm house just outside their village when the Patti police, led by SHO Ram Nath, surrounded the house and killed them in a forced encounter. It was a foggy day with very poor visibility and the people, who were not allowed to go near the house for many hours, could not figure out how the police had actually killed them. Mukhtiar’s family came to know about the killings the same day, but dared not go to the site of the incident because of the police presence.

The police allowed them to attend Mukhtiar’s cremation.

134. Under serial no. 155/606, the list identifies the cremation of Balbir Singh alias Beera, s/o Kartar Singh, r/o Jama Rai, carried out by SHO Teg Bahadur Singh of Goindwal police station on 2 January 1992, under FIR no. 1/92. The post-mortem report is marked as PS 1/92. The cause of death is described to be “bullet injuries”.

The committee has gathered the following information about Balbir Singh’s case through its incident report form no. CCDP/01501. The main informant is the victim’s father Kartar Singh.

Balbir alias Lakhbir Singh, was a 22-year-old son of Kartar Singh and Niranjana Kaur, resident of village Jamarai, Patti Bhai Ki, under Goindwal police station, in Khadar Sahib sub-division of Amritsar district. He used to work with his father on the family farm. Lakhbir was unmarried and had never had any trouble with the police.

Around 6 a.m. on 31 December 1991, a large force of Goindwal police and soldiers of the Indian army cordoned off Jama Rai village for a combing operation, and carried out a house-to-house search. Goindwal police, led by SHO Teg Bahadur Singh, came to Lakhbir’s house and took him into custody for questioning. He assured Lakhbir’s parents not to worry and that they would release him after questioning.

Later in the day, Lakhbir’s family, accompanied by several village elders, went to Goindwal police station but were not allowed to meet the SHO. They also failed to meet the SHO the second day, and subordinate staff at the police station refused to

talk to them. On 3 January 1992, newspapers published a report about an encounter near Goindwal in which the police killed a militant named Balbir Singh Beera. Kartar Singh then found out that the police had already cremated his son's body. He went to Tarn Taran cremation ground and collected Lakhbir's ashes.

135. Under serial no. 158/611, the list identifies the cremation of Jagir Singh alias Kulwinder Singh alias Hathi, s/o Jang Singh, r/o Sangatpura, carried out by SHO Anokh Singh of Sirhali police station under FIR no. 3/92. The post-mortem report is marked as BSW 56/92 and the cause of death is mentioned as "cyanide consumption".

The committee has got the following information through its incident report form no. CCDP/01544. The main informant is the victim's father Jang Singh.

Twenty-two-year-old Jagir Singh, son of Jang Singh and Surjit Kaur, was a *Mazhabi* Sikh laborer, resident of village Sangatpur under Sarhalli police station in Tarn Taran sub-division of Amritsar district. He was the eldest of three brothers who worked as farm laborers. Jagir was married to Balbir Kaur, who has since remarried. They had two sons who now live with their mother.

In 1989, the Sarhalli police started raiding his house suspecting Jagir to be connected to some militant elements in the area. Jagir avoided his arrest and started living elsewhere. The police then started torturing his family members who also decided to move their residence. In their absence, the police confiscated all their household belongings and even demolished a part of their house.

On 8 January 1992, a group of Sarhalli policemen led by SHO Anokh Singh raided a farmhouse between Munda Pind and Rani Vallah villages and arrested Jagir Singh and another Sikh boy from Gujjarpura. Both were taken to Sarhalli police station. The police later claimed that Jagir Singh committed suicide by consuming a cyanide pill that he was carrying with him. The other Sikh boy from Gujjarpura village was released on intervention from several village elders.

All members of Jagir Singh's family had gone into hiding and hence were unable to collect his ashes.

136. Under serial no. 159/614, the list identifies the cremation of Gurbhej Singh, alias Geja, s/o Jagir Singh, r/o Bugha, carried out by SHO Balkar Singh of Tarn Taran's Sadar police station on 13 January 1992, under FIR no. 3/92. The post-mortem report is numbered WA 2/92. The cause of death is mentioned as "firearm injuries".

The committee has acquired the following information about this case through its incident report form no. CCDP/01443. The main informant is the victim's father Jagir Singh.

Gurmej Singh alias Gurbhej, son of Jagir Singh and Harbans Kaur from Buge locality in Tarn Taran, was only 16 when the police executed him. After completing his matriculation, he had become a pathi, a reader of the *Guru Granth Sahib*, the Sikh scripture. He also helped his father on their small farm.

Gurmej felt very strongly about the attack on the Golden Temple carried out by the Indian army in June 1984 and sympathized with the militant movement for justice.

In 1991, the Tarn Taran police arrested him on suspicion of links with the militants and brutally tortured him in custody. The police released him after village elders intervened to vouch for his good conduct.

On 13 January 1992, Gurmej was traveling in a bus to village Roore Asal for a rendition of the Sikh scriptures. Jasbir Singh Andheri, s/o Bhajan Singh and a resident of Tarn Taran were also traveling on the same bus. Jasbir was probably associated with a Sikh militant group. The bus stopped at a checkpoint near the village and policemen entered the bus for an inspection. They recognized Jasbir Singh and took both of them into custody. The next day, *Ajit* and *Jagbani* reported the death of Jasbir Singh and two other unidentified militants in a police encounter. The report said that the militants tried to run away when the police were searching the bus. The identity of the third militant killed in the incident could not be established.

The police did not inform Gurmej's family about his death. The family was unable to even collect his ashes since they did not know when and where the police carried out the cremation.

The CBI has shown the cremation of Jasbir Singh under the same FIR no. in its list of partially identified cremations Under serial no. 61/613. His post-mortem report is marked as OPG-1/92 and the cause of death is "firearm injuries". It is not clear what happened to the body of the third unidentified person.

137. Under serial no. 161/628, the list identifies the cremation of Dr. Inderjeet Singh, s/o Karam Singh, r/o Thatha carried out by inspector CIA staff Gurdev Singh of Valtoha police station on 8 March 1992, under FIR no. 12/92. The post-mortem report is numbered KS 7/92. The cause of death is mentioned as "encounter".

The committee has gathered the following information about this case through its incident report form no. CCDP/01495. The main informant is the victim's daughter Davinder Kaur.

Inderjit was the alias of Hardeep Singh, son of Karam Singh and Harbans Kaur from Thatha village, post office Sarhalli Kalan, Patti Chardi under Harike police station in Tarn Taran. Hardeep was a farmer who had finished his school education. It is not clear why the CBI's list gives him the title of doctor. Hardeep was 30 and married to Balbir Kaur with four children. The eldest, Davinder Kaur, is now in her early twenties.

The police had arrested and interrogated Hardeep a number of times suspecting him of having links with militants. They had also implicated him in a number of criminal cases. Hardeep was unable to tolerate his repeated interrogation under torture and decided to join the ranks of militants.

On 7 March 1992 morning, Hardeep was at the house of Surinder Singh, vice-principal of Guru Gobind Sikh Senior Secondary School in Tarn Taran city, and was reciting his prayers when a large police force, led by inspector Gurdev Singh, surrounded the house. Hardeep wanted to escape, but Surinder Singh implored him to surrender as the police would not allow him to live if Hardeep escaped and that Surinder Singh's life and that of his family would be ruined. Hardeep thus gave himself up to the police.

Hardeep Singh's family learnt about the arrest later that day and tried to mobilize

whatever contacts they had to ensure that he was not killed in a fake encounter, but to no avail. On 8 March 1992, Hardeep Singh was shown killed in an encounter near village Bahadar Nagar under Valtoha police station. His family learnt that the police were taking the body for cremation to Patti and gathered there to carry out the last rites. The police, however, prevented them from doing so.

In a separate incident, the police also arrested and disappeared Parminder Singh, Hardeep's nephew. His second nephew Tarsem Singh s/o Nirmal Singh was also killed.

138. Under serial no. 162/634, the list identifies the cremation of Jaimal Singh, s/o Dharam Singh, r/o Bhel carried out by SHO Anokh Singh of Sirhali police station on 24 March 1992, under FIR no. 27/92. The post-mortem report is numbered as OPG 9/92. The cause of death is mentioned as "police encounter".

The committee has gathered the following information about this case through its incident report form no. CCDP/01499. The main informant is the victim's brother Manjit Singh.

Jaimal Singh (25), was an unmarried farmer, son of Dharam Singh and Mohinder Kaur, and lived in village Bhail, Patti Bhuchar Ki, police station Goindwal under Khadur Sahib sub-division of Amritsar district. The police used to harass him and other members of his family because of his cousin-brother Nirmal Singh's involvement in the militancy. To avoid harassment and custodial torture, Jaimal Singh began to live separately. The police thus increased their pressure on his family to produce him before them.

On 23 March 1992, Jaimal Singh and Joginder Singh, s/o Banta Singh from Bhail village, were walking into Bhail village when a joint force of the Indian army and the Punjab police detained them. Jaimal Singh was reported killed in an encounter the same night and although Goindwal and Sarhalli Kalan police stations refused to disclose anything to the family members, they found out from the commander of the army camp at village Thathian Mahantan that Jaimal had been killed and was being cremated at Tarn Taran. They were unable to attend the cremation. On 25 March 1992, two Punjabi newspapers *Ajit* and *Jagbani* published a report about the encounter near village Bhail in which Jaimal allegedly died.

Following his arrest, Joginder Singh was detained at Sarhalli Kalan police station and brutally tortured by SHO Anokh Singh for several days. Thereafter, he was handed over to an army camp. The army finally released him at the intervention of village elders, one month after his arrest. In this period, Joginder Singh did not know what happened to Jaimal Singh.

In a separate incident, Jaimal's cousin Nirmal Singh, s/o Sucha Singh from Bhail village, was also killed by the police.

139. Under serial no. 163/644, the list identifies the cremation of Punjab Singh, s/o Jaswant Singh, r/o Mukaz, carried out by SHO Balkar Singh of Tarn Taran's Sadar police station on 8 April 1992 under the FIR no. 25/92. The post-mortem report is said to be "not available". The cause of death is stated as "police encounter".

The committee has gathered information on this case through its incident report

form no. CCDP/01686. The main informant is the victim's father.

The person identified by the CBI's list as Punjab Singh, s/o Jaswant Singh, r/o Mukaz was actually 26-year-old Jaimal Singh, son of Tara Singh and Paro, residents of Dholan village, post office Kalia Sakatteran, under Valtoha police station, in Patti sub-division of Amritsar district.

After completing his matriculation, Jaimal joined the Indian army in 1983, but in 1991 he was dismissed from the service and sent home. Tara Singh claimed ignorance about the reason for the dismissal. Jaimal, together with his younger brother Balwant Singh, started working on his family farm. He was still unmarried.

Search and combing operations carried out by the Punjab police to nab militants and their sympathizers in his village was a routine. Jaimal's house had also been searched. The police officials began to pay special attention to him after finding out that he had been dismissed from the army. The police held Jaimal, his younger brother Balwant Singh and father Tara Singh in illegal custody and interrogated them. Jaimal was brutally tortured under interrogation. The Valtoha police began to pick him up frequently and, ultimately, Jaimal decided to leave home. The police then started to detain his family members to compel Jaimal to surrender. But Jaimal did not return home.

On 9 April 1992, newspapers published a report about the killing of a militant named Punjab Singh in an encounter at village Malmohari. The same day, Charan Kaur, the mother-in-law of Jaimal's younger brother, resident of Kaler village in Tarn Taran, came to Tara Singh's house to inform him that the militant killed at Malmohari was actually Jaimal Singh and that she had seen his body at the Tarn Taran hospital. Charan Kaur had been following the case since her son-in-law Balwant Singh had been in illegal custody at the police post of Algon Chowki for more than a week, and she feared that the police might also harm him.

On 10 April 1992, Tara Singh, accompanied by several prominent persons of his village, went to Tarn Taran's Sadar police station where the police showed him the photographs of the militant killed in the supposed encounter at Malmohari. Tara Singh recognized the body of his son. The police had already carried out the cremation, but they allowed him to collect the ashes. Tara Singh did not know if the report about the encounter was genuine or forged.

Balwant was released from illegal custody some days later at the intervention of a Punjab cabinet minister Gurchet Singh Bhullar.

According to Tara Singh, the police captured and killed three other persons of his village Dholan in separate incidents. They are:

- [1] Harbans Singh, s/o Nirmal Singh, was killed in Ferozepur district;
- [2] Balbir Singh, s/o Darshan Singh, was arrested from Patti and killed in a fake encounter;
- [3] Pala Singh, s/o Aasa Singh, was arrested by the Valtoha police and killed in a fake encounter.

140. Under serial nos. 165/646, the list identifies the cremations of Balwinder Singh alias Banda, s/o Sarwan Singh, r/o Kot Jampat, carried out by SI Suba Singh of Jhabbal police station on 9 April 1992, under FIR no. 44/92. The post-mortem report is marked as AK 10/92 and the cause of death is described as "bullet injuries".

The committee has gathered the following information through its incident report form no. CCDP/01632. The victim's uncle Arjan Singh is the main informant.

Twenty-one-year-old Balwinder Singh alias Binder, son of Sawinder Kaur and Surjan Singh who is mistakenly recorded in the CBI's list as Sarwan Singh, was a resident of village Kot Jaspal, Teja Singh Wala, post office Bakipur under Jhabbal police station in Tarn Taran sub-division of Amritsar district. His house was located on the outskirts of the village next to his father's farmland. Balwinder was the youngest in the family of two brothers and a sister. He was clean-shaven and had no religious and political inclinations, but he was alcoholic and used to create nuisance after drinking excessively. However, he had no trouble with the police and had never been arrested.

On 8 April 1992, Balwinder went to the house of his sister Sukhwinder Kaur who is married to Gurdeep Singh at Manochahal village. There, he asked for alcohol and drank the whole day. Around 7 p.m. Balwinder picked a quarrel with his sister and walked back to his village in an inebriated condition. Back in his village, he bought more alcohol from the house of a *Mazhabi* Sikh and continued to drink. Again, he picked a quarrel with Milkha Singh, the headman of his village council, who felt infuriated by Balwinder's abuses and had him thrashed. Milkha Singh was an influential person, considered very close to the local police. Many people in the village heard Balwinder screaming and abusing Milkha Singh.

It is not clear to the family what happened thereafter. Early next morning, around 9 a.m. some officers of Jhabbal police station came to Balwinder's house to inform them that Balwinder had been killed. The police took them to the center of the village where Balwinder's body was lying. The police carried out the cremation and did not allow the family members to collect Balwinder's ashes.

Balwinder's family members feel that Milkha Singh was responsible for getting the local police to murder him in a fake encounter. On 10 April 1992, several newspapers reported the police story about the encounter.

141. Under serial no. 167/651, the list identifies the cremation of Gurbhej Singh alias Bheja, s/o Jaswinder Singh, r/o Lalpura carried out by SHO Balkar Singh of Tarn Taran's Sadar police station on 10 April 1992, under FIR no. 26/92. The post-mortem report is numbered as PS 9/92. The cause of death is mentioned as "police encounter".

The committee has acquired the following information about this case through its incident report form CCDP/01429. The main informant is the victim's brother Pratap Singh.

The victim's actual name is Harbhej Singh, alias Gurbhej. He was 20 and lived in Lalpura village near the bus stand in Tarn Taran sub-division of Amritsar district, with his mother Harjinder Kaur. His father Joginder Singh, the elected head of the village council of Lalpura, had been murdered in 1987 by unknown militants. One of Harbhej's brothers was a soldier in the Indian army. Harbhej and his elder brother Pratap Singh looked after the family's agricultural interests.

After his father's death, some influential people in the village had been trying to encroach on the family's agricultural land and, for this purpose, had influenced the local police to harass Harbhej and his brother. The police thus illegally detained and

tortured both Harbhej and his brother. Unable to tolerate the situation, Harbhej went underground and joined a militant group. His brother Pratap Singh left to live with some relatives. The police then started harassing their uncle Mohinder Singh and his family who still lived in the village.

On 7 November 1991, the police arrested Mohinder Singh's son, Gurdial Singh, along with Sarabjit Singh, also a resident of Lalpura, at a police checkpost outside the village. Both of them were taken to Tarn Taran CIA staff interrogation center and were never heard of again. The police denied arresting them.

On 10 April 1992 afternoon, Harbhej Singh was cultivating the piece of land under dispute, along with his maternal cousin Mukhtiar Singh, s/o Ninder Singh from Kadd Gill village, and Balwinder Singh, s/o Bagga Singh Paathi of Lalpura, when a large police force arrived, started firing at them without any warning. All of them died. The police then carried the bodies away.

On 11 April 1992, some Punjabi newspapers reported that the police killed five militants in an encounter that happened between Varana and Dhotian villages. Two of them were identified as Gurbhej Singh Bheja and Ranjodh Singh Jodha. In the actual incident, the police had killed Harbhej Singh alias Gurbhej, Balwinder Singh and Mukhtiar Singh. Apparently, both Balwinder Singh and Mukhtiar Singh had been shown as unidentified. The family knew nothing about Ranjodh Singh Jodha, or about the fifth person who the police had allegedly killed in the same encounter. The police carried out the cremations without permitting the family members to attend.

The CBI's list of identified cremations only accounts for the body of Harbhej Singh. The names of Ranjodh Singh Jodha, Balwinder Singh and Mukhtiar Singh do not figure in the list of partially identified cremations, either. The list of unidentified cremations at Tarn Taran, Under serial nos. 422/652 and 423/653, shows that SHO Balkar Singh burnt two more bodies whose post-mortem reports are mentioned as PS-10/92 and PS-11/92. Both the bodies belonged to the case under the same FIR no. 26/92 of Tarn Taran's Sadar police station. This shows that the police cremated Balwinder Singh and Mukhtiar Singh as unidentified bodies. The story of Balwinder Singh is summarized in the appropriate section of the report. What happened to the bodies of Ranjodh Singh Jodha and the other unidentified militant allegedly killed in the encounter remains a mystery.

142 - 143. Under serial nos. 168/654 and 169/655, the list identifies two cremations on 11 April 1992, carried out by SHO Swaran Singh of Verowal police station under FIR no. 14/92. They are of: [1] Gurmej Singh, s/o Ajit Singh, r/o Khadoor Sahib; and [2] Dilbagh Singh, alias Bagha, s/o Harnam Singh, r/o Ratoll. The post-mortem reports are marked as KK 39/92 and KK 38/92. The cause of death is mentioned as "police encounter".

The committee has gathered the following information pertaining to Dilbagh Singh's case through its incident report form no. CCDP/01235. The main informant is the victim's wife Surjit Kaur.

Dilbagh Singh, the youngest of six brothers, was a 25-year-old *Mazhabi* Sikh who lived in Mazhabian Di Patti, village Rataul under Tarn Taran city police station. He had passed the matriculation examination and worked as a milk vendor. He was

married to Surjit Kaur and had two daughters who are now 16 and 10.

In 1988, the police arrested Dilbagh and his nephew Angrez Singh, s/o Kundan Singh, on the suspicion of maintaining contacts with militants. They were charged under TADA and held in judicial custody for nearly two years. After his release, Dilbagh resumed his normal vocation of selling milk.

In April 1991, the Punjab police and other paramilitary organizations, carried out a combing operation in village Rataul. All male members of the village were directed to assemble at the village gurdwara, where Dilbagh Singh was taken into custody. He was sent to Tarn Taran police station for interrogation and held there illegally for nearly three months before the police decided to prosecute him once again under TADA. He was booked in a case and sent to Amritsar jail.

In April 1992, Verowal police station decided to interrogate him in connection with some other case and obtained his remand order from a court. On 12 April 1992, Punjabi newspapers carried a report which announced his death in an encounter. The report said that the police was taking Dilbagh Singh and Gurmel Singh to recover some weapons in Mand area when some militants attacked the police convoy and both were killed in the exchange of fire that followed.

In separate incidents, three other members of his family were also killed by the police. Their names are:

1. Gurmej Singh, s/o Dara Singh [nephew];
2. Angrez Singh, s/o Kundan Singh [nephew];
3. Gulzar Singh [brother].

144. Under serial no. 170/659, the list identifies the cremation of Buta Singh, s/o Teja Singh, r/o Sohla, carried out by Anokh Singh of Jhabbal police station on 18 April 1992, under FIR no. 50/92. The post-mortem report is said to be “not available”. The cause of death is mentioned as “bullet injuries”.

The committee has gathered the following information on Boota Singh's case through its incident report form no. CCDP/01404. The main informant is Satwinder Kaur, the victim's widow.

Boota Singh (27), the only son of his parents who had already expired, was a farmer living at Patti Mahi Ki, village Sohla under Jhabbal police station in Tarn Taran sub-division of Amritsar district. He was married to Satwinder Kaur and had three children. The eldest child, a daughter, is now 16.

The police used to regularly detain and interrogated Boota Singh under torture about militants who visited his house. He was suspected of sheltering and feeding them. He was also charged under TADA but was released on bail. The police, however, continued to detain and torture him. Eventually, Boota Singh left his home and began to live elsewhere.

Around 10 a.m. on 18 April 1992, Boota Singh was at a farm house near village Bhuchar Kalan along with a friend Punjab Singh, resident of Chhapa. They were drinking tea when the Jhabbal police raided the house. Seeing the police, Boota Singh and Punjab Singh started running towards the school in village Bhuchar Kalan. There, they were intercepted and shot dead. The police cremated the bodies at Tarn Taran without informing the families.

On 19 April 1992, two Punjabi newspapers, *Ajit* and *Jagbani* carried a report about the encounter and, quoting police sources, identified the slain militants as Boota Singh, s/o Teja Singh of Sohal village and Punjab Singh of Chhapa village. The cremation of Punjab Singh is not mentioned in the CBI's lists of identified or partially identified cremations. However, the unidentified list, Under serial no. 425/658, mentions a cremation at Tarn Taran on 18 April 1992 that was carried out by Anokh Singh of Jhabbal police station, connected with the case under FIR no. 50/92. The post-mortem report of the body is mentioned as KK 45/92.

145. Under serial no. 172/662, the list identifies the cremation of Manjinder Singh, s/o Ajit Singh, r/o Rataul carried out by the SHO of Tarn Taran police station on 22 April 1992, under FIR no. 42/92. The post-mortem report is numbered as GSD 18/92. The cause of death is mentioned as "police encounter".

The committee has gathered the following information about this case from the People's Commission Case No. PCHR/00435. The main informant is the victim's mother Parkash Kaur.

Manjinder Singh, son of Ajit Singh and Parkash Kaur, was a resident of village Rataul, in Tarn Taran sub-division of Amritsar district. On 21 April 1992, a police party of Tarn Taran police, led by SHO Gurbachan Singh Manochahal, SSP Ajit Singh Sandhu, and SP (operations) Khubi Ram abducted Parkash Kaur and her sons Manjinder Singh and Surinder Singh from their house.

The police took them to Tarn Taran's City police station and severely beat them. The following day, the police released Parkash Kaur, but continued to hold her sons. A week later, the police released Surinder Singh from custody after he lost his memory. He has become mentally disturbed from the physical and mental torture he experienced in police custody.

Parkash Kaur never heard from her son Manjinder again. Nor was she able to trace him despite her efforts to find out what had happened to him. A year after the initial abduction, the police again illegally detained Parkash Kaur and beat her. They released her three days later. The police used to harass her relatives, as well.

146. Under serial no. 173/663, the list identifies the cremation of Surinder Singh, s/o Ajmer Singh, r/o Singhpura, carried out by the SHO of Jhabbal police station on 24 April 1992, under FIR no. 54/92. The post-mortem report is marked GSD 22/92. The cause of death is given to be "police encounter".

The committee has gathered the following information through its incident report form no. CCDP/01541. The main informant is Ajmer Singh, the victim's father.

Surinder Singh alias Mahna, s/o Ajmer Singh and Sukhwinder Kaur, was an 18-year-old school student, resident of village Singhpura under Bhikhiwind police station in Patti sub-division of Amritsar district. Surinder was a good football player and was the captain of his school team. His cousin, also called Surinder Singh Mintu, s/o Gurcharan Singh from Bhikhiwind town, had been involved with militants and, because of that connection, the police used to raid Surinder's house at Singhpura. In March 1990, Surinder had finished his matriculation examination and was waiting for the results when the police again raided his house. Surinder Singh slipped away and,

after that, remained underground.

On 23 April 1992, some constables from Jhabbal police station came to Ajmer Singh's house and took him to the police station for the identification of his son's body. The police officers told him that he had been killed, along with Harjinder Singh of Bhangwan village and Gurdev Singh of Jallupur Khara village under Beas police station, in an encounter with Jhabbal police near village Bankipur. Ajmer was not able to verify the police claims.

The family members were allowed to attend the cremations and to collect the ashes.

Harjinder Singh of Bhangwan village and Gurdev Singh of Jallupur Khara village under Beas police station were cremated as unidentified bodies. The CBI's third list shows these cremations Under serial nos. 427/664 and 428/665.

According to Ajmer Singh, the police also killed his nephew Surinder Singh Mintu, s/o Gurcharan Singh, a retired headmaster of a school who lived in Patti Dass Ki in Bhikhiwind town. The police killed Surinder Singh in a fake encounter near village Bahmani Wala.

147. Under serial no. 174/668, the list identifies the cremation of Chatar Singh alias Chatara, s/o Teja Singh, r/o Bhoka Baler, carried out by the SHO of Jhabbal police station on 26 April 1992, under FIR no. 55/92. The post-mortem report is marked as AK 15/92 and the cause of death is mentioned as "police encounter".

The committee has got the following information about this case from its incident report form no. CCDP/01660. The information has been provided by residents of the victim's village Baler.

Thirty-two-year-old Chatar Singh alias Kakoo, son of Teja Singh and Bhan Kaur, was a *Mazhabi* Sikh, resident of village Baler, post office Banka Baler, Mazhabian Di Patti, under Bhikhiwind police station, in Patti sub-division of Amritsar district. Chatar Singh, a poor farm worker, was married, but he got involved in a violent quarrel that culminated in a murder for which Chatar Singh was convicted and sentenced to life imprisonment. His wife returned to her parents. A few years after his conviction, Chatar Singh was released from prison on parole. However, he did not return to jail and instead joined the ranks of militants. The police started tormenting his family members, especially his brothers who, fed up with the harassment, also left their village.

On 27 April 1992, several newspapers published a report about the killing of Chatar Singh in an alleged encounter with the Jhabbal police near village Gandiwind. The family could not verify whether the reported encounter was genuine or fake.

148. Under serial no. 175/669, the list identifies the cremation of Balbir Singh, alias Beera, s/o Chanan Singh, r/o Sohal carried out by the SHO of Jhabbal police station on 29 April 1992, under FIR no. 56/92. The post-mortem report is numbered as PK 21/92. The cause of death is mentioned as "police encounter".

The committee has acquired the following information about this case through its incident report form no. CCDP/01403. The main informant is the victim's brother Kashmir Singh.

Dalbir Singh, alias Balbir, was 30 and lived at Patti Baaje Ki, in village Sohal under Jhabbal police station. He was married and had a daughter. His widow has remarried.

Soon after the eruption of militancy in the state, the police began to suspect Dalbir of being a sympathizer who sheltered armed militants at his farmhouse. The Jhabbal police frequently raided his house, and they arrested and interrogated him regularly under brutal torture. The village elders intervened many times and secured his release. The family also had to bribe the policemen. In 1991, the police implicated Dalbir in a case under the Arms Act and imprisoned him for six months. When he came out on bail, the police started torturing him again. Dalbir was so fed up that, in early 1992, he, along with his wife and daughter, decided to shift residence to Uttar Pradesh where his relatives lived.



Balbir Singh

The police then started tormenting his elder brother Kashmir Singh to get Dalbir to report at Jhabbal police station. Dalbir Singh was compelled to come back and he went to the police station in the third week of April 1992. The police illegally detained and interrogated him under torture for several days and then allowed him to return home.

On 29 April 1992 morning, Dalbir Singh went to the farm house of a distant relative, Preetam Singh, who lived in the same village, to recuperate from the torture. Within an hour of his arrival there, a large police force under SHO Suba Singh of Jhabbal police station raided the house and took Dalbir Singh into custody. Preetam Singh's family members were told to remain indoors. On hearing gunshots, Preetam Singh's sons, Karam Singh and Ajit Singh, looked out and saw the police lifting Dalbir Singh's body into a vehicle. SHO Suba Singh also decided to arrest Karam Singh and Ajit Singh, and took them to Jhabbal police station. There, Ajit Singh was asked to leave. Karam Singh had to accompany the police to Tarn Taran, and after the post-mortem, Dalbir Singh's body was cremated there in his presence.

149. Under serial no. 176/674, the list identifies the cremation of Baldev Singh, alias Gaddar, s/o Nirbail Singh, r/o Sakhira carried out by SHO Darshan Singh of Tarn Taran's Sadar police station on 8 March 1992, under FIR no. 36/92. The post-mortem report is numbered as GSD 24/92. The cause of death is mentioned as "police encounter".

The committee has gathered the following information about this case through its incident report form no. CDDP/01446. The main informant is the victim's mother Gurcharan Kaur.

Baldev Singh, s/o Nirvail Singh, lived in Patti Gurbakhsh Ki, Sakhira village under Tarn Taran Sadar police station. The CBI's list mentions his alias as Gaddar, but he was known by his nick name, Guard. Baldev Singh (26), a farmer, married Roop Kaur. They had a daughter who is now 13.

One of Baldev's uncles, Sukhdev Singh Sakhira was a known militant leader. Baldev was influenced by him and began to take an interest in the political aspects of

the Sikh secessionist movement. The police suspected him of sheltering and helping militants and tortured him regularly for information under illegal custody. Baldev Singh was fed up by this situation and decided to join the ranks of a militant organization.

The remaining members of the family had to now bear the brunt of police torture. The police did not allow them to cultivate their land. The police regularly detained and tortured Baldev Singh's old mother, sister-in-law and other relatives. They kept his house under strict surveillance and raided it almost daily. Any relative who visited the house was picked up and interrogated under "third degree". Often, Khubi Ram, SP (operations), personally supervised the physical torture of Baldev's brother and their old mother Gurcharan Kaur, administering electric shocks on their bodies.

Baldev Singh and his associate Kabal Singh from village Manochahal Khurd were finally cornered on 7 May 1992 when they went to the residence of Swaran Singh, head of the village council of Mughal Chak. They reached the house around 5 p.m. to find themselves surrounded by a large police force under Khubi Ram, SP (operations). Baldev Singh and Kabal Singh tried to escape but the police killed them under a hail of bullets. The police then left with the two bodies.

The next day, *Ajit* and *Jagbani* carried reports about the encounter. Baldev Singh's family learnt of his death from these reports. The police did not inform them about the cremation and were refused permission to collect his ashes.

The cremation of Kabal Singh is mentioned in the CBI's list of partially identified bodies Under serial no. 68/675. SHO Darshan Singh of Tarn Taran's Sadar police station requisitioned the cremation with reference to the case under FIR no. 36/92. The post-mortem report number is given as GSD-25/92. In the list, Kabal Singh's name has been changed to Kewal Singh and his village is mentioned as Chota Manochahal instead of Manochahal Khurd.

150 - 151. Under serial nos. 177/676 and 178/677, the list identifies two cremations on 9 May 1992, carried out by SHO Darshan Singh of Tarn Taran's Sadar police station, under FIR no. 34/92. They are of [1] Kuljit Singh, s/o Charan Singh, r/o Tur; and [2] Bakhshish Singh, s/o Gurdeep Singh, r/o Tur. The post-mortem reports are numbered as PK 22/92 and PK 23/92. The cause of death is mentioned as "firearm injuries".

The committee has acquired the following information through its incident report form nos. CCDP/01381 and 01382. The main informants are Kuljit's mother Guddo and Bakhshish's father Gurdeep Singh.

Kuljit Singh, alias Bittu, was 24 and unmarried. He was the son of late Charan Singh and Guddo, and a resident of village Tur, Patti Dharam Ki, under Goindwal police station. His father Charan Singh had retired from the Indian army as a non-commissioned officer. Bakhshish Singh, alias Shisha, son of Gurdeep Singh and Kulwant Kaur, was 25 and also unmarried. He was a resident of village Tur, under Goindwal police station, in Khadur Sahib sub-division of Amritsar district.

The police suspected both of them of maintaining links with militants. In 1988, the Verowal police arrested both of them on charges under TADA. They were released on bail after more than two years of incarceration. Even then the police continued to harass the two, picking them up for interrogation and torturing them.

Everytime this happened, village elders and members of the elected village councils intervened to secure their release.

One morning on 1 or 2 May 1992, SHO Darshan Singh of Tarn Taran's Sadar police station arrested both of them from their houses in the presence of all of their relatives. Members of the family and other influential persons of the area, including former MP Tarlochan Singh Tur, asked the police officials to either release the boys or bring them before a court. But the police officials, including the SHO, kept denying that they had them in their custody. On 8 May 1992, two Punjabi newspapers, *Ajit* and *Punjabi Tribune* carried a report about an encounter, which had allegedly occurred on May 7 near village Jando Ki Sarhalli, in which both Kuljit Singh and Bakhshish Singh had been killed. The police did not inform their families, but the families reached the cremation ground and identified the bodies before the police burnt them.

It is a mystery that the CBI's list, Under serial nos. 179/680 and 180/681, identifies two more cremations, that of Baj Singh, s/o Dalbir Singh Jat, r/o Malmori; and of Sarban Singh, alias Kallu, s/o Tehl Singh, r/o of Rajupur carried out by SHO Darshan Singh on 24 May 1992 in a case under the same FIR no. 34/92. The date of the cremation shows that they were killed in a separate incident. What then is the significance of a common FIR number and the fact that the same SHO carried out all four cremations?

152 - 153. Under serial nos. 179/680 and 180/681, the list identifies two cremations on 24 May 1992 carried out by SHO Darshan Singh of Tarn Taran's Sadar police station. The FIR nos. are not mentioned. Name of those cremated are [1] Baj Singh, s/o Dalbir Singh Jat, r/o Malmori; and [2] Sarban Singh alias Kallu, s/o Tehl Singh, r/o Rajupur. The post-mortem reports are marked as PK 24/92 and PK 25/92. The cause of death is given as "firearm injuries".

The committee has gathered the following information about these cases through its incident report form nos. CCDP/01604 and 01605. The main informants are Sarban's father Tehal Singh and Baaz's mother Gurnam Kaur.

Twenty-one-year-old Sarban Singh, son of Tehal Singh and Manjit Kaur, was a resident of village Manju Pur, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district.

In 1984, Sarban's mother Manjit Kaur had been murdered by someone from the village, supposedly having close links with the police. His family spent a lot of money fighting the case, trying to get the accused convicted, but without success. The accused was acquitted in 1987. In that year, Sarban had passed his matriculation examination. He was very upset about the acquittal of his mother's accused murderer and, with the intention of taking revenge, began to cultivate the militant underground. The police found out about his contacts and raided his house to arrest him. According to Tehal Singh, his son Sarban had given up the idea of taking revenge after joining the militant underground and had even sent a message to his mother's murderer that he nurtured no enmity towards him. The police started detaining and torturing his family members, including his father, to coerce them to produce Sarban before them. However, they were unable to do so.

Twenty-three-year-old Baaz Singh, son of Dalbir Singh and Gurnam Kaur, was a

farmer resident of Malmohari village, post office Naurangabad, Behak, under Tarn Taran's Sadar police station. He was married but his widow has since returned to her parents' house.

Baaz Singh's father Dalbir Singh was a wealthy farmer who died when his children were young and his mother Gurnam Kaur had raised them. As their house was located outside the village in their agricultural land, members of the militant underground began to turn up for shelter and food. It was impossible for the family members to turn them away; the militants were armed.

In early 1990, the Haryana police arrested Baaz Singh on the charges of sheltering some militants who had been apprehended. The police officer responsible for the case demanded a bribe for Baaz's release. But when his uncle and a cousin were on their way to pay the officer the money, they met with an accident near Sirhind and died. As the concerned police officer did not receive the money he had demanded, Baaz Singh was charged with a case under TADA and sent to jail. Later, he came out on bail and resumed his agricultural work. Baaz Singh, according to his mother Gurnam Kaur, had no further dealings with the Sikh militants.

On 23 May 1992 evening, when Baaz Singh was still working on his fields, Sarban Singh of the neighboring Manjupur village approached him to request a ride on his bicycle to a house in Lalpura. Baaz Singh refused as he had already suffered enough because of the militants. Sarban Singh was desperate and threatened to use force if he refused to give him a lift. Baaz Singh's mother Gurnam Kaur was listening to this conversation and asked her son to go and drop him.

Baaz Singh complied. Sarban Singh was keen to visit the house of an associate in Lalpura who had been killed by the police recently. Soon after they reached the house, a police team led by SHO Darshan Singh, surrounded the house and forced them to open the doors. The police shot Sarban Singh while he tried to explain that the man with him, Baaz Singh from Malmohari, was innocent. They questioned Baaz Singh and then told him to run away. When he ran, the police then shot him in the back.

The police claimed that the two militants had been killed in an encounter. The claim was reported prominently in several Punjab newspapers on 25 May 1992.

The next morning, Baaz Singh's mother Gurnam Kaur, accompanied by several sympathizers, went to Lalpura village whose residents narrated to her the sequence of events.

The police carried out the cremations without informing the families.

154 – 155. Under serial nos. 181/682 and 182/683, the list identifies two cremations carried out by SHO Subha Singh of Valtoha police station on 27 May 1992 under FIR no. 24/92. Names of those cremated are: [1] Kulwinder Singh alias Pappu, s/o Jassa Singh, r/o Valtoha; and [2] Ranjit Singh alias Rana, s/o Gurbux Singh, r/o Valtoha. The post-mortem reports are mentioned as SS-22/92 and SS-23/92. The cause of death is given as "police encounter".

The committee has gathered the following information about these cases through its incident report form nos. CCDP/01575 and 01577. The main informants are Kulwinder's brother Dilbagh Singh and Ranjit's father Mukhtiar Singh, who has been mistakenly identified in the CBI's list as Gurbux Singh.

Twenty-one-year-old Kulwinder Singh, s/o Jassa Singh and Gurbachan Kaur, was a resident of village Valtoha, Patti Deolan Di, under Patti sub-division of Amritsar district. Kulwinder was in his first year of graduation when he became involved with the militants. When the police started raiding his house in order to arrest him, Kulwinder slipped away and became a fugitive. He did not surrender to the police even after the police detained and tortured his close relatives, including his parents.

Ranjit Singh, son of Mukhtiar Singh and Gurdev Kaur, was a 21-year-old young farmer resident of Valtoha village, Patti Deol, in Tarn Taran sub-division of Amritsar district. Ranjit was unmarried. Although his elder brother was a soldier with the Indian army, Ranjit sympathized with the militant movement and was arrested many times by the police for interrogation under torture. In 1990, he left home to join the militant movement directly.

On 23 May 1992, Kulwinder was visiting his aunt Piar Kaur, wife of Inder Singh, who lived at village Chakk Walia. The police arrested him there. The police force was led by DSP Paramdeep Singh Teja of Bhikhiwind and SHO Gurinder Singh of Khemkaran police. Immediately, Piar Kaur sent a message to Kulwinder's parents about his arrest and the family members tried to meet some officers to save him. But the police officers refused to talk to them. They also approached several political leaders of Amritsar, but to no avail.

Kulwinder's interrogation led to the arrest of Ranjit Singh from the headquarters of a religious organization, led by Baba Daya Singh Bidhi Chand Wale, based at Anandpur Sahib. His parents received information about his arrest but were not in a position to help as the police had already been very rough with them.

On 27 May 1992, around 11 a.m. Kulwinder's family found out that he had been killed in an "encounter" near village Chhanna along with Ranjit Singh, and two other unidentified young Sikhs. Immediately, they went to Valtoha police station and requested that they be allowed to see Kulwinder's body. However, the police did not allow them to see his body or attend the cremation.

The other two unidentified cremations are recorded in the CBI's third list, Under serial nos. 435/684 and 436/685.



Ranjit Singh

156 – 158. Under serial nos. 183/686, 184/687 and 185/688, the list identifies three cremations carried out by the SHO of Jhabbal police station on 28 May 1992, under FIR no. 62/92. The names of those cremated are: [1] Kashmir Singh, s/o Makkan Singh, r/o Kallo Mahal; [2] Jarnail Singh, s/o Pritam Singh, r/o Sultan Wind; and [3] Ram Singh, s/o Mohan Singh, r/o Madi Kamboke. The post-mortem reports are marked as 19/92, 20/92 and 21/92. The cause of death is said to be "police encounter".

The committee has acquired the following information about Kashmir Singh through its incident report form no. CCDP/01613. The main informant is the victim's mother Kulwant Kaur.

Twenty-two-year-old Kashmir Singh, son of Makhan Singh and Kulwant Kaur, was a resident of Kallo Mahal, post office Gagon Mahal under Ramdas police station, in Ajnala sub-division of Amritsar district.

After completing his higher secondary school education, Kashmir wanted to join a medical college in Amritsar. The police, however, suspected him of sympathizing with the militants and arrested and tortured him a number of times. His plans to study medicine failed after the police implicated him in several cases under TADA and sent him to jail. When he came out on bail, the police framed him in new cases. Eventually, Kashmir Singh managed to get out on bail and moved to Amritsar to do a diploma course in pharmacy.

In the third week of May 1992, the police abducted Kashmir Singh from his rented flat in Amritsar. The abduction was witnessed by a couple from village Jassar under Ramdas police station, who were employed at the Golden Temple and were Kashmir Singh's neighbors. Informed about Kashmir Singh's abduction, the family members tried in vain to locate him at various police stations in Amritsar district. They continued their efforts to find what happened to Kashmir Singh for the next several months even as the Ramdas police raided their house many times to arrest him. The SHO of Ramdas police station refused to believe that Kashmir Singh had already been taken into custody and, demanding proof, continued to harass the family for nearly one year.

In 1993, a distant relative, who is a policeman, informed the family that the Jhabbal police had killed Kashmir Singh, along with two others, in the last week of May 1992. This relative also showed them a copy of the daily *Ajit* published on 28 May 1992, which carried a report about the killing of three militants, Kashmir Singh, Jarnail Singh and Ram Singh, in an encounter near village Pandori Sidhwan. The report said that their fourth associate, Sukhdev Singh Gujjar from Sarai Amanat Khan, managed to escape. Jhabbal police, after much coaxing, confirmed the report and Ramdas police stopped raiding their house.

The CBI's list shows Ram Singh, cremated along with Kashmir Singh, to be a resident of Madi Kamboke. Since there is no village by that name in the area, we must assume it is Mari Kamo Ki. However, according to Kashmir Singh's family members, Ram Singh, s/o Mohan Singh belonged to Gagon Mahal.

According to the report published in daily *Ajit* on 28 May 1992, three militants were killed in an encounter with the police near village Pandori Sidhawan and one militant escaped. The CBI's list of identified cremations, Under serial nos. 183/686, 184/687 and 185/688, shows the cremations of Kashmir Singh, Jarnail Singh and Ram Singh. Under serial nos. 437/689 and 438/690, the third CBI list of unidentified cremations shows two other cremations carried out by SHO Suba Singh of Jhabbal police station on 28 May 1992, under the same FIR no. 62/92. The question is: Who were these persons cremated anonymously along with the three in the identified list and where did they come from if only three militants died in the encounter?

In a separate incident, the police also arrested and killed Kashmir Singh's cousin Gurmukh Singh Lalli, son of Bachan Singh of Mojpura under Majitha police station in Amritsar district.

159. Under serial no. 186/695, the CBI's list identifies the cremation of Manjit Singh, s/o Sardul Singh, r/o Tanda, carried out by SHO Puran Singh of Patti police

station on 5 June 1992, under FIR no. 37/92. The post-mortem report is marked as 5/6/92. The cause of death is mentioned as “police encounter”.

The committee has got the following information about this case from the incident report form no. CCDP/00132. The main informant is the victim’s mother Charan Kaur.

Manjit Singh, alias Manna, 26, was employed with the Punjab State Electricity Board. He was married to Narinder Kaur and had two daughters who are now 11 and nine.

The police had illegally detained and interrogated Manjit Singh a number of times in the past suspecting him of having links with militants. On 31 May 1992, around 3 p.m. his house was raided by a joint team of the Indian army, led by one Major then stationed at the army camp at Mahantan Thathian, and the Punjab police, led by sub-inspectors Pooran Singh of Patti police station and Balbir Singh of Kairon police post. The police and Army arrested Manjit Singh in front of all of his relatives and took him to the police post at Kairon.

On 1 June 1992, sub-inspector Balbir Singh told a group of village elders who had accompanied Sardool Singh, Manjit’s father, to the Kairon police post that Manjit Singh was under interrogation and the police would release him after they had completed their investigations. Manjit was seen at the police post for the last time on 4 June 1992 by a number of village elders who had gone there to pursue his case. On 6 June 1992, Punjabi daily *Ajit* published a report about Manjit Singh’s death in the cross firing between a group of militants and the police. According to the report, the militants attacked when the police took Manjit Singh for the recovery of arms.



Manjit Singh

According to Charan Kaur, Manjit’s mother, one of her brothers who had been very fond of her son could not bear the shock of his murder by the police, and soon died of grief. Charan Kaur also talks about

the plight of Manjit’s widow and their two orphaned children. Her husband is now old, dispirited and unable to work.

The CBI’s third list of unidentified cremations also shows that SHO Pooran Singh of Patti police station carried out another cremation on 5 June 1992 under FIR no. 37/92. The post-mortem report is also marked as 5.6.92 and the cause of death is given as “police encounter”. The identity of this person is not known.

160. Under serial no. 187/699, the list identifies the cremation of Satnam Singh alias Satta, s/o Mohan Singh, r/o Paowal, carried out by SHO Puran Singh of Patti police station on 8 June 1992, under FIR no. 40/92. The post-mortem report is not mentioned and the cause of death is said to be “police encounter”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01693. The main informant is the victim’s brother Gurnam Singh.

Forty-year-old Satnam Singh alias Satta, son of Mohan Singh and Preetam Kaur,

was a *Mazhabi* Sikh farmer resident of village Bhaowal, post office Kot Budha, in Patti sub-division of Amritsar district. Married to Shinder Kaur, Satnam was the father of four sons, who are now adults. As the owner of three acres of land, Satnam had to work hard to raise his family. He also cultivated other people's land on a contractual basis.

Although a baptized Sikh, Satnam was also a member of a Sikh religious sect called "Bidhi Chandiye", which was based on strong pacifist ideals. Satnam was not known to have any connection with the militant or political organizations. He had never been arrested or interrogated by the police.

In the afternoon of 6 June 1992, Satnam had called a mechanic, Nishan Singh, to repair his tube-well engine at his farm. He was busy with the work when a group of six policemen, led by the in-charge of the police post Sabhra, arrested both Satnam and his mechanic Nishan Singh. Within a few hours, when Satnam's brother Gurnam Singh and several other residents of his village went to the post at Sabhra, the policemen told them that both the arrested persons had been sent to Patti police station for interrogation. At Patti police station, Gurnam and his companions were not allowed to enter.

Satnam's family members kept on trying to meet senior police officials to request them to ensure that their officers treated him according to the law, but to no avail.

On 8 June 1992, two Punjabi newspapers, *Ajit* and *Jagbani*, published a report about an encounter near Sabhra village, announcing that a militant named Satnam Singh Satta and his unidentified associate had been killed.

After reading the newspaper report, Gurnam Singh and other members of his family went to the Civil hospital in Patti and managed to see Satnam's body that had been brought for a post-mortem. However, the policemen refused to return the body to the family members and carried out the cremations without permitting them to be present.

The CBI's list of unidentified cremations, Under serial no. 446/700, shows the second cremation on 8 June 1992 carried out by SHO Pooran Singh of Patti police station under FIR no. 40/92. The post-mortem report is marked as SLG-38/92 and the cause of death is given as "police encounter".

161 – 163. Under serial nos. 188/707, 189/709 and 190/710, the list identifies three cremations carried out by SHO Gurbhachan Singh of Tarn Taran's City police station on 9 June 1992 under FIR no. 57/92. They are of [1] Ajit Singh, s/o Mangal Singh, r/o Behla; [2] Lakhwinder Singh, s/o Chanan Singh Jat, r/o Warpal; and [3] Harbhans Singh, s/o Mehr Singh Jat, r/o Sarhalli. The post-mortem reports are marked as PS-24/92, OPG-18/92 and OPG-19/92. The cause of death is reported as "police encounter".

The committee has acquired the following information regarding Ajit Singh, Lakhwinder Singh and others through its incident report form nos. CCDP/00344, 00378 and 00379. The main informants are Ajit Singh's son Sukhdev Singh, Lakhwinder Singh's father Channan Singh and other eye-witnesses in the village.

These three cremations and five others mentioned in the CBI's list of partially identified cremations Under serial nos. 69/703, 70/704, 71/705, 72/706 and 73/708 are connected with the killing of nine persons at Behla on 8 June 1992. Out of these nine,

three were militants and six were villagers unconnected with the militancy, but were used by the security forces used as human shields to storm the house in which the three militants were hiding. The body of one person killed in the encounter remains unaccounted for. The committee has gathered the following information on these cases from its incident report form no. CCDP/00343, 00344, 00378, 00379, 01374, 01375, 01376 and 01378.

On 8 June 1992 morning, a large mixed force, comprised of the Punjab police led by SSP Ajit Singh Sandhu and Khubi Ram, SP (operations), and units of the army and paramilitary, surrounded the old and abandoned house of Manjinder Singh, a former member of the legislative assembly (MLA), in village Behla. Apparently, the house was being used as a hideout by militants associated with Surjit Singh, s/o Tarlok Singh from Behla village. One of his associates, 18-year-old Sukhdev Singh, alias Maddi, son of Santokh Singh, was also from Behla. After completing his matriculation, he had started working in a sugar mill at Sheron. The police often illegally detained and tortured his elder brother Kulbir Singh for information because they suspected him of having links with militants. Sukhdev Singh was unable to tolerate the harassment of his brother and decided to become a militant himself. Later on, his father Santokh Singh was abducted and disappeared by the police. The third associate of Surjit Singh Behla was Harbans Singh, s/o Mehr Singh from Sarhalli in Tarn Taran sub-division of Amritsar district.

Before storming the house, the police decided to round up seven or eight villagers to walk in front of them and to act as human shields. The following are the names of the six of those who got killed in the course of the operation that followed: [1] Kartar Singh, s/o Aasa Singh; [2] Niranjana Singh, s/o Boor Singh; [3] Sakatter Singh, s/o Niranjana Singh; [4] Lakhwinder Singh, s/o Channan Singh; [5] Gurmej Singh; and [6] Ajit Singh, s/o Mangal Singh. The police randomly selected these people, and this had nothing to do with suspicions of their possible involvement in the militancy. For example:

Ajit Singh, from Behla village in Tarn Taran, was a 60-year-old man married to Preetam Kaur and had seven children. He owned a horse driven cart and was employed by a brick kiln owner to transport bricks to his clients. He had no political or militant association, no criminal background and no enmity with anyone in his village.

Ajit Singh had that morning carried a cartload of bricks to the house of Niranjana Singh when the police came and forced him, along with Niranjana Singh and his sons, to be part of the front column.

Niranjana Singh, a 55-year-old farmer, was married to Balwinder Kaur and had three sons and a daughter. He was a devout Sikh, unconnected with any political or militant organization and took care of his family by cultivating three acres of land and selling milk from his buffalos.

Twenty-five-year-old Sakatter Singh was Niranjana Singh's son. He used to help his father with the agricultural work and was married to Sharanjit Kaur and had two daughters who are now barely teenagers. He had never been arrested before and had no political or militant links. Sakatter Singh died in the police operation. His younger brother Sukhchain Singh, also included in the front column, managed to escape but not before getting seriously wounded.

Twenty-year-old Lakhwinder Singh, the youngest son of Channan Singh and

Gurmej Kaur, had no political or militant links or a police record. He was watering his fields when the security forces picked him up and forced him to walk in front of them forming human shield.

Kartar Singh, a 62-year-old farmer, was married to Iqbal Kaur and had four children who are now adult. He also had no record of a political or criminal past.

After entering the house, the security forces discovered that it had a basement but no door to enter it from inside. They started demolishing the floor that was also the cellar's roof. When the militants holed up inside opened fire, the police pushed these six villagers to the front, and using them for cover, fired back. All of the six persons who have been named died in this situation. Two others got seriously injured. The encounter lasted around 30 hours.

Three militants, holed up in the cellar who also got killed, are: [1] Surjit Singh Behla, s/o Tarlok Singh; [2] Sukhdev Singh Maddi, s/o Santokh Singh. Both were from Behla village. [3] Harbans Singh, the third militant killed in the action, was a resident of Sarhalli Kalan.

In the evening of June 9, the police extricated the bodies of all the people who had been killed in the action without bothering to distinguish the militants from those the police had used as human shields.

The next morning, the police told the media that they had killed nine militants in the action. In the aftermath, several newspapers published stories questioning the police claims and explaining how the six unconnected villagers had been pushed into the jaws of death. Two others, wounded in the course of the operation, left to fend for themselves. Embarrassed by the publicity, the Punjab government later announced an inquiry, which was, however, never carried out.

The police cremated the bodies at Tarn Taran on 9 June 1992. Ajit Singh's family members attended the cremation, however, other families were not allowed to do so.

The CBI's list identifies the cremations of Ajit Singh, Lakhwinder Singh and Harbans Singh, a militant and an associate of Surjit Singh Behla. Five others figure in the partially identified list Under serial nos. 69/703, 70/704, 71/705, 72/706 and 73/708. According to the list, SHO Gurbachan Singh of Tarn Taran city police station carried out these cremations in the same case of encounter under FIR no. 57/92. The names of those cremated are: [1] Surjit Singh, r/o Behla; [2] Sikkatar Singh, r/o Behla; [3] Niranjan Singh, r/o Behla; [4] Madan Singh, alias Maddi; [5] Kartar Singh, r/o Behla. Out of these, Surjit Singh and Madan Singh, alias Maddi, who must be Sukhdev Singh Maddi, were the militants killed in the encounter. The other three, Sikkatar Singh, Niranjan Singh and Kartar Singh had been picked up to serve as human shields. Curiously, the CBI also duplicates the record of Niranjan Singh's cremation Under serial no. 121/392. Here, it records Niranjan Singh's cremation as having occurred over a year earlier than its actual date on 18 April 1991. The information to identify all was not only available to the police but had also been published in newspaper reports. Hence, it is not clear why the CBI decided to place them in the list of partially identified bodies.

These cremations mentioned the identified and partially identified lists of the CBI do not account for the body of Gurmej Singh, one of the six villagers forced to become a human shield and killed. The CBI's list of unidentified cremations does not show any cremation on 9 June 1992.

164. Under serial no. 192/713, the list identifies the cremation of Rashpal Singh alias Palla, s/o Pratap Singh, r/o Harpal, PS Jandiala, carried out by SHO Subha Singh of Valtoha police on 13 June 1992, under FIR no. 29/92. The post-mortem report is marked SS-33/92 and the cause of death is given as “police encounter”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01624. The main informant is the victim's father Pratap Singh.

Twenty-year-old Rachhpal Singh, son of Pratap Singh and Wariam Kaur, was a resident of village Varpal, Patti Nihale Ki, under Sultanwind police station, of Amritsar district. Rachhpal had to drop out of school after class VIII to help his father with the agricultural work because his only brother Jagtar Singh was then a junior commissioned officer (JCO) with the 10 Sikh Regiment of the Indian army. His father could not cope with the work by himself. Rachhpal was unmarried and had no criminal background.

Early morning on 11 June 1982, the Valtoha police led by SHO Suba Singh, raided Pratap Singh's house and drove away with Rachhpal after tying his hands behind his back. The SHO refused to disclose why he was arresting Rachhpal and where they were going to detain him. The same day, Pratap Singh, accompanied by other villagers, went to several police stations including Valtoha, Sultanwind, Jandiala Guru Amritsar's Sadar police station and the Mall Mandi interrogation center. But Rachhpal could not be found.

On the fourth day after Rachhpal's abduction, a young Sikh boy from the same village, who had also been illegally arrested on June 12 morning by Valtoha police, came to Pratap Singh and told him that the police had interrogated his son at Valtoha police station for a day and then killed him in a fake encounter. This boy also told him that SHO Suba Singh had threatened him with elimination if he told anyone in the village about Rachhpal. He also showed Pratap Singh a newspaper clipping of daily *Ajit*, from its 14 June 1992 issue, which referred to the killing of an unidentified militant in an encounter with the Valtoha police.

Hearing this, Pratap Singh approached some influential political leaders of Amritsar and through them met SHO Suba Singh who brazenly denied having arrested or killed his son.

Meanwhile, Rachhpal's older brother Jagtar Singh persuaded his commanding officer (CO) to write a letter to the SSP of Tarn Taran asking him if his police had taken Rachhpal into custody. The SSP, in his reply, claimed that the police had not arrested Rachhpal Singh and did not need him in connection with any case.

After some time, an officer from Varpal police station came to Pratap Singh's house and made inquiries about other members of his family. According to Pratap Singh, the Punjab police have created a list of all people who have been killed in fake encounters and regularly visit their families to keep track of their relatives. Pratap Singh discreetly asked this police officer about the circumstances in which his son had been killed and found out that according to the FIR no. 29 dated 13 June 1992, registered at Valtoha police station, Rachhpal Singh had been killed in an encounter between Jodh Singh Wala and Kotli Wasava Singh villages.

Hearing this, Pratap Singh wrote several petitions to the NHRC at New Delhi and also the Punjab Human Rights Commission at Chandigarh. Both of the commissions

replied that the matter did not come within their respective jurisdictions.

According to Pratap Singh, his wife Wariam Kaur was unable to cope with this injustice. She fell ill and eventually died from inconsolable grief.

165 – 166. Under serial nos. 193/716 and 194/717, the list identifies two cremations carried out by SHO Ashok Kumar of Jhabbal police station on 16 June 1992, under FIR no. 16/92. The names of those cremated are: [1] Jassa Singh, s/o Charan Singh, r/o Jamatpura; and [2] Dilbagh Singh alias Bagha, s/o Mohinder Singh, r/o Mehmood Pura, PS Bikhwind. The post-mortem reports are marked as PS-20/92 and PS-29/92. The cause of death is described as “bullet injuries”.

The CCDP has acquired the following information about these cases through its incident report form nos. CCDP/01546 and 01653. The main informants are the mothers of the two victims, Dalbir Kaur and Sawinder Kaur alias Karam Kaur.

Twenty-four-year-old Dilbagh Singh alias Bagha, son of Mohinder Singh and Sawinder Kaur, was a baptized Sikh farmer from village Margindpura, Patti Jagge Ki, under Bikhwind police station in Patti sub-division of Amritsar district.

In the last months of 1989, the Bikhwind police raided his house several times when Dilbagh was away from home, visiting some relatives. The police suspected his links with militants and demanded that the family produce him for interrogation. The family members, accompanied by village elders, took him to the police station and he was, after several days of illegal custody and interrogation, charged with several offences under TADA. Dilbagh Singh was released on bail nine months later and resumed his normal life as a farmer. The police stopped harassing him for a while.

Suddenly in April 1992, the police raids resumed again. Dilbagh Singh feared torture and dodged the police by keeping away from his house. During one of the raids in the first week of June 1992, conducted by Jandiala Guru police station, Dilbagh's younger brother Sarwan Singh, a truck driver, was picked up. He was killed a few days later in a fake encounter.

Twenty-one-year-old Jaswant Singh alias Jassa, son of Charan Singh and Dalbir Kaur, was a tailor and lived in Jagatpura village, post office Thathgarh, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. After completing his matriculation, he set up a tailor shop in his village. Jaswant was unmarried. According to his mother, Jaswant became involved with the militant movement in 1991 and left home when the police began to raid his house to arrest him.

On 15 June 1992, the security forces found out that Jaswant Singh and Dilbagh Singh were hiding in the village Jagatpura and conducted a joint operation involving both the Indian army and the Tarn Taran police to nab them. After a house-to-house search, the police party instructed all male residents of the village to assemble in an open space. Then, on the basis of information provided by some residents of the village, the police ordered Jaswant Singh's brother Avtar Singh and several other village elders to form a human shield and to move ahead of the police force towards a house where Jaswant and Dilbagh were believed to be hiding. In the course of storming the house, the police force kept firing heavily. Jaswant Singh's brother Avtar Singh, who was part of the human shield, was killed in the crossfiring. Jaswant Singh and Dilbagh Singh were also killed. The police carried away all three bodies to Jhabbal police station. Immediately, the families of the two brothers, Jaswant Singh

and Avtar Singh, and Dilbagh Singh rushed to Jhabbal police station where three bodies were lying in its courtyard. The police officials refused to show them the bodies and took the bodies away for post-mortem and cremation. The police also refused to let the family members attend the cremation. They waited outside and collected the ashes only after the police had left the site.

However, the commandant of the Indian army, in-charge of the Jhabbal military camp office, asked Avtar Singh's wife and her family members to see him in his office the next morning. This Army officer directed the senior police officials of Tarn Taran to acknowledge that Avtar Singh was not a terrorist and had been killed in the crossfiring. He also made the Tarn Taran police officials pay compensatory money to Avtar Singh's widow.

The legal procedure followed to make this payment of compensation is not clear. Also, the CBI's list of identified cremations does not show Avtar Singh's cremation. No other list prepared by the CBI shows a cremation on this date carried out by Jhabbal police.

According to Sawinder Kaur, Dilbagh's mother, her husband Mohinder Singh could not cope with the death of both his sons and he died of a heart attack a few months later.

167 - 168. Under serial nos. 195/722 and 196/723, the list identifies two cremations carried out by the SHO of Jhabbal police station on 17 June 1992, under FIR no. 68/92. The name of those cremated are: [1] Dalbir Singh, alias Bugha, s/o Shinder Singh, r/o Panch Barh under police station Jhabbal; and [2] Baman, s/o Mohinder Singh, r/o Panchbarh, PS Jhabbal. The post-mortem report numbers are not mentioned. The cause of death is said to be an "encounter".

The CCDP has got the following information from its incident report form nos. CCDP/01396 and 01394. The main informants are Dalbir's mother Balwinder Kaur and Mohinder Singh, the father of Narvinder Singh alias Baman.

Dalbir Singh was a resident of Panjwar village under Jhabbal police station of Tarn Taran. He was 32, married and worked as a mason. His widow has now remarried.

A local police informer, Kalu, learnt that Dalbir had developed some contacts with militants active in the area. Dalbir was afraid of this and mostly stayed away from the village.

On 25 May 1992, the police took his brother Kuldeep Singh into custody to force Dalbir to surrender. Dalbir Singh sent a message to the police informer Kalu that he would like to discuss his surrender if the police promised not to harass his family members. On 15 June 1992, Dalbir, accompanied by Narvinder Singh, alias Baman, s/o Mohinder Singh, a *Mazhabi* Sikh boy from the village, met Kalu in a farmhouse within the village Panjwar. Narvinder Singh lived in Mazhabian Di Thathi of Panjwar village. He was 24, unmarried and worked on the farm belonging to the family of Paramjit Singh Panjwar, a well-known militant. Other than this, he had no connection with the militancy and had no criminal record.

While they were still talking, a police force led by DSP Ashok Kumar and SHO Suba Singh of Jhabbal police station surrounded the house and when Dalbir and his companion tried to escape, the police force shot both of them dead. On 16 June 1992,

Ajit reported the killing of two militants in an “encounter” at Panjwar Khurd, but identified only Dalbir Singh.

Dalbir Singh’s brother Kuldeep Singh, abducted on 25 May 1992, also disappeared. Their father Surinder Singh was unable to bear the loss of both his sons and died from grief six months later.

169 – 172. Under serial nos. 198/740, 199/741, 200/742 and 201/743, the list identifies four cremations carried out by SHO Subha Singh of Valtoha police station on 4 July 1992 under FIR no. 33/92. Names of those cremated are: [1] Jassa Singh, s/o Sudh Singh, r/o Lakhar Singh; [2] Bekar Singh, s/o Sajjan Singh, r/o Dhoot; [3] Jagtar Singh alias Jaggu, s/o Banta Singh, r/o Verowal; and [4] Mukhtiar Singh, s/o Jarnail Singh, r/o Jamaspur. The post-mortem reports are marked as KS-27/92, KS-24/92, KS 25/92 and KS-22/92. The cause of death is described to be “firearm injuries”.

The committee has acquired the following information regarding Bikkar Singh, wrongly identified by the CBI’s list as Bekar Singh, Jagtar Singh, and Mukhtiar Singh through its incident report form nos. CCDP/01455, 01658 and 01659. The main informants are Bikkar Singh’s widow and Nirmal Singh, the employer of Mukhtiar Singh.

Bikkar Singh, son of Sajjan Singh and Sawinder Kaur, was a 35-year-old *Mazhabi* Sikh resident of village Toot, wrongly identified by the CBI’s list as Dhoot, post office Bhangala, under Valtoha police station in Patti sub-division of Amritsar district. After completing his graduation from a college in Valtoha, Bikkar Singh worked under a private doctor and then himself set up a medical clinic at village Bhandal in Kapurthala district, a practice not uncommon in rural Punjab. A clean-shaven Sikh, Bikkar Singh was married to Lakhwinder Kaur and had two daughters and a son. According to Lakhwinder Kaur, her husband did not associate with any political or militant groups and had never been arrested or interrogated.

Around 2:45 p.m. on 30 June 1992, SHO Suba Singh of Valtoha police station led a large police force to raid Bikkar Singh’s clinic at Bhandal village. The police was accompanied by Lakhwinder Kaur’s two brothers, Pooran Singh and Surjit Singh, her sister Manjit Kaur and her mother Balwant Kaur who had been arrested from their village at Sehbazpur two days ago. The police took Bikkar Singh into custody. They drove him to his house and searched it thoroughly. Many villagers witnessed the search and tried to persuade the police officials to release Bikkar Singh. However, SHO Suba Singh left with him after completing the search, which did not lead to the recovery of anything incriminating.

Lakhwinder Kaur immediately returned to her parents’ house at Sehbazpur to discover that all her family members had been in the illegal custody of Valtoha police for the last several days. However, the Valtoha police released all of them the night after the arrest of Bikkar Singh. Lakhwinder Kaur’s attempt to reach SHO Suba Singh, over the next two days, to pursue the matter of her husband’s illegal arrest remained unsuccessful.

Thirty-year-old Jagtar Singh, son of Banta Singh and Piar Kaur, was also a *Mazhabi* Sikh from village Toot, post office Bhangala, who, like Bikkar Singh, had obtained medical training from a private doctor after finishing higher secondary education and called himself a doctor. He also had opened a clinic at village Bhandal

in Kapurthala district. Jagtar was married to Ninder Kaur. His successful medical practice allowed him to shift his family to a private house in Mohali, part of the Ropar district, in the outskirts of Chandigarh.

According to Lakhwinder Kaur, the Valtoha police arrested Jagtar Singh from his house in Mohali some hours after taking her husband Bikkar Singh into custody.

The third arrest made by the Valtoha police in connection with these cases provides the necessary link to the cremation of Mukhtiar Singh, s/o Jarnail Singh mentioned in the CBI list Under serial no. 201/743. This was the arrest of Sukhwant Singh alias Ghukk, son of Mohan Singh and Darshan Singh, resident of Rangana Farm, post office Amb Wali, under Jujhana police station, in Karana sub-division of Muzaffarnagar district in Uttar Pradesh. Thirty-five-year-old Sukhwant Singh had purchased agricultural land in village Amb Wali in Muzaffarnagar district and had settled down there several years ago. He was married to Joginder Kaur and had two sons, Jagjit Singh and Bikramjit Singh, who are now almost 20.

Having settled in Uttar Pradesh, Sukhwant's only connection with Punjab was through his relatives whom he used to visit occasionally. The Jalandhar police had arrested and killed one of his brothers, Kashmir Singh, in 1987. This was one of the reasons why he had migrated from Punjab.

In the last week of June 1992, Sukhwant was visiting his sister in village Jamastpur in Tarn Taran sub-division of Amritsar district. On June 28, a large police force comprising officers from Patti and Valtoha police stations and also the CRPF personnel raided his brother-in-law Nirmal Singh's house and arrested Mukhtiar Singh, s/o Jarnail Singh, a *Mazhabi* Sikh of Jamastpur village, who used to work for Nirmal Singh as a farm laborer. Finding Sukhwant there and realizing that he was not a local resident, the police also took him into custody, promising to release him after verifying his antecedents. All subsequent efforts made by Nirmal Singh to secure his release failed.

In the night intervening 3 and 4 July 1992, the Valtoha police staged an encounter near village Bahadar Nagar to declare that five militants had been killed. Several newspapers published reports about the encounter, based on a police handout that identified only four of those killed, as Jassa Singh, s/o Sudh Singh; Bikkar Singh, s/o Sajjan Singh; Jagtar Singh, s/o Banta Singh; and Mukhtiar Singh, s/o Jarnail Singh. Bikkar Singh's relatives were allowed to identify his body at Valtoha police station, but not permitted to attend his cremation which was carried out by the police.

The CBI's list of unidentified cremations, Under serial no. 461/744, shows that SHO Suba Singh of Valtoha police station also carried out Sukhwant's cremation under FIR no. 33/92 by declaring him to be unidentified. His post-mortem report is marked as KS-28/92 and the cause of death is given as "firearm injuries". Sukhwant's story is summarized in an appropriate section earlier.

173. Under serial no. 203/758, the list identifies the cremation of Gurmeet Singh alias Jeeta, s/o Mehtar Singh, r/o Talwandi Subhe Singh, carried out by SI Sitaram of Harike police station on 13 July 1992, under FIR no. 32/92. The post-mortem report is marked as SIG-57/92 and the cause of death is given as "firearm injuries".

The committee has gathered the following information about this case through

its incident report form no. CCDP/01691. The main informant is the victim's aunt Joginder Kaur.

Twenty-eight-year-old Gurmeet Singh, son of late Mehtab Singh and late Gurnam Kaur, was a farmer living in village Talwandi Sobha Singh, post office Ghariala, in Patti sub-division of Amritsar district. The CBI has incorrectly recorded his father's name. Whereas Gurmeet's father and brother died while he was alive, his mother Gurnam Kaur passed away in 2002. His sister, the only living family member, stays in at village Ittan Wali in Ferozepur district.

Gurmeet was an Amritdhari Sikh. The police arrested him in 1991, on the suspicion that he had links with militants. Due to repeated police harassment and house raids, Gurmeet Singh left home in early 1992. In July 1992, the police arrested Gurmeet Singh from a farmhouse at village Toot. His family did not learn about his arrest. Other villagers of Talwandi Sobha Singh, also arrested by Valtoha police, saw Gurmeet in custody. In fact, the police had arrested these people because Gurmeet named them during his interrogation.

On 13 July 1992, the Punjabi daily *Ajit* reported that four militants were killed in an encounter near Kirtowal. One of the militants was identified as Gurmeet Singh alias Meeta.

174. Under serial no. 204/765, the list identifies the cremation of Sukhwinder Singh, s/o Sardool Singh Jat, r/o Nadohar, PS Harike, carried out by SI Sita Ram of Harike police station on 14 July 1992, under FIR no. 33/92. The post-mortem report is marked as SS-34/92. The cause of death is given as "police encounter".

The committee has gathered the following information through its incident report form no. CCDP/01586. The main informant is the victim's cousin-brother Malkeet Singh.

Twenty-year-old Sukhwinder Singh, son of Sardool Singh and Jagir Kaur, was a resident of village Nadohar, post office Bathe Bhaini, under Harike police station, in Patti sub-division of Amritsar district. The youngest of three brothers, Sukhwinder, studied till matriculation and set up a grocery store in his village. He was unmarried.

Early in 1990, Sukhwinder got involved in a family fight and grievously wounded his mother who later succumbed to the injury. Although the family members did not report the incident to the police, Sukhwinder, overcome by fear and remorse, left home and joined the ranks of the militants. The police started raiding his house, detaining and interrogating various family members for information about his whereabouts.

On 10 July 1992, Sukhwinder was arrested in Patti city from the house of a family originally from Nadohar village. Informed about the arrest, his family members went to Patti police station but were unable to talk to the SHO or any other responsible officer. Some constables at Patti police station told them that the police were interrogating Sukhwinder at the CIA staff interrogation center in Patti.

On 15 July 1992, several newspapers published a report about the killing of Sukhwinder Singh in an encounter with the Harike police near village Booh. The police had already carried out the cremation.

175 – 176. Under serial nos. 205/773 and 206/774, the list identifies cremations

carried out by the SHO of Tarn Taran's city police station on 21 July 1992, under FIR no. 85/92. They are of: [1] Salwinder Singh, s/o Jagir Singh, r/o Bazar Tarn Taran; and [2] Kulwant Singh, s/o Tarlok Singh, r/o Padri Kalan. The post-mortem reports are marked as SN-22/92 and SN-21/92. The cause of death is given as "bullet injuries".

The committee has gathered the following information about Salwant Singh, wrongly identified as Kulwant Singh in the CBI's list, through its incident report form no. CCDP/01581. The main informant is Gurnam Singh, the victim's uncle.

Fifty-year-old Salwant Singh, son of Tarlok Singh and Surjit Kaur, was a farmer resident of village Padhri Kalan, Patti Bharu Ki, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. He was married to Pal Kaur and had two daughters and a son. The eldest daughter, Sukhraj Kaur, is now 25.

After completing his school education, Salwant had joined the army. Six years later, he had to take premature retirement as his family was unable to manage the agricultural work on its own. Salwant had nothing to do with either politics or the militancy and he had never been arrested by the police.

On 29 June 1992, ASI Nachhatter Singh of Manochahal police post came looking for Salwant. That day, Salwant Singh had gone to the city along with his cousin Bakhshish Singh for shopping. When the family members told the ASI about it, he asked them to produce him before the police as soon as he returned. ASI Nachhatter Singh returned to the police station taking Kabal Singh, Salwant's cousin, into custody as a hostage.

The same evening, around 4 p.m. Salwant Singh and Bakhshish Singh presented themselves at the Jhabbal police station. The police took Salwant into custody and released Kabal Singh the next morning. When Salwant's family wanted to give him some tea, a head constable at Jhabbal police station told them that he had been sent to the CIA staff interrogation center at Tarn Taran. At the interrogation center, they were unsuccessful in meeting Salwant. Inspector Gurdev Singh refused to meet them or answer their requests.

On 21 June 1992, an officer at the CIA interrogation center told the family waiting outside that Salwant was not there and that they should not waste their time. The same day, the family found out that the Tarn Taran police had killed two alleged militants in an encounter near village Manochahal and were about to take the bodies away for their cremation. A doctor at the Civil hospital in Tarn Taran, who had performed the post-mortems, confirmed that one of the persons killed was Salwinder Singh. The family also noticed a report in the daily *Ajiti* that named Kulwant Singh and Salwinder Singh as the two militants who were killed by the police in an alleged encounter near village Daleka. According to the family members, the police had intentionally corrupted Salwant Singh's name. They say that the police also distorted the identity of the second person killed in the same encounter. The newspaper reported his name to be Jatinder Singh. The CBI's list records the name Salwinder Singh as a resident of Tarn Taran Bazar. This too, according to the Salwant's family is wrong. Salwinder was a resident of their own village Padhri Kalan and the son of Jagir Singh, panchayat secretary.

The police terror was at its peak in those days and Salwant's family was unable to challenge his illegal arrest and elimination. According to Guran

Singh, Salwant's uncle at Padhri Kalan, his parents could not continue to live in the village after the incident and moved to Ferozepur district after selling off their property.

177. Under serial no. 207/785, the list identifies the cremation of Harish Singh, s/o Gurwant Singh, r/o Sirhindpura, carried out by SHO Ramnath of Verowal police station under FIR no. 35/92 on 28 July 1992. The post-mortem number is PK-41/92. The cause of death is given as "police encounter".

Through its incident report form no. CCDP/01475, The committee has acquired the following information. The main informant is the victim's brother Kuldeep Singh.

Hari Singh, alias Harish Singh, s/o Gurwant Singh from Margindpura under Bhikhiwind police station in Patti sub-division of Amritsar district, was a 22-year-old boy who, after finishing his matriculation, trained as a compounder under a private doctor and then set up his own clinic at Ghariala. Hari Singh did not have any political or militant background nor any police record.

Around 25 July 1992, Hari Singh had gone to Patti to buy some medicines for his clinic. According to the informant Kuldeep Singh, Hari Singh's brother, Goindwal police led by SHO Surinder Singh took Hari Singh into custody, along with Gurdial Singh of Baggewal village in Ferozepur, when they were drinking tea at a stall near the railway crossing in Patti. Some residents of Margindpura village who had witnessed the arrests informed Hari Singh's family members who, along with the village elders, tried to meet the SHO Goindwal the next day. The SHO met them only on July 28, the third day after the arrest, and told them that Hari Singh had already been killed. Learning that the bodies had been sent for cremation, the family members and their sympathizers rushed to the cremation ground. The bodies had been set aflame and they were unable to identify them.

The next day, the Punjabi newspapers carried a report about their killing in an encounter that had supposedly taken place near village Jauhal-Bhail.

Kuldeep Singh is emphatic that the other person killed along with his brother was Gurdial Singh of Baggewal village in Ferozepur district. However, the CBI's lists of those identified and partially identified do not show the cremation of Gurdial Singh on 28 July 1992. The partially identified list, Under serial no. 86/786, shows the cremation of Balwinder Singh, r/o of Malian on 28 July 1992, requisitioned by SHO Ram Nath in the case under the same FIR number. The common FIR number leaves us in no doubt that the body belonged to the second person arrested and killed in the case. How does Gurdial Singh of Baggewal village in Ferozepur district become Balwinder Singh of Malian village? We do not know. The case requires more research.

178 – 180. Under serial nos. 208/787, 209/788 and 210/789, the list identifies three cremations carried out by inspector Subha Singh of Valtaha police station on 29 July 1992, mentioned under FIR no. 38/92. They are of: [1] Jagtar Singh, s/o Jogga Singh, r/o Bhuga; [2] Sukhdev Singh, s/o Resham Singh, r/o Shaheed; and [3] Sawinder Singh alias Shinda, s/o Balla Singh, r/o Bundala. The post-mortem reports are marked as SLG-63/92, SLG-64/92 and SLG-65/92. The cause of death in all the cases is given to be "police encounter".

The committee has gathered the following information on Sukhdev Singh's case through its incident report form no. CCDP/01525. The main informant is the victim's mother Manjit Kaur.

Twenty-eight-year-old Sukhdev Singh alias Sukha, son of Resham Singh and Manjit Kaur, was a resident of Shaheed village in Patti sub-division of Amritsar district. The eldest of two brothers and a sister, Sukhdev, a baptized Sikh, worked on his family farm and had no links with the political or militant movement then raging in Punjab. He had never been arrested. He was unmarried.

On 28 July 1992 morning, Sukhdev Singh went to see his sister at village Kalsia. On the way, he was arrested by the police from the Kairon police post under PS Patti. The family came to know about the arrest when a large police force from Kairon police post, supported by a unit of the CRPF, raided his village home around 11 a.m. Sukhdev Singh, who had already been tortured severely, was with the police to assist with the search operation. The police force carried out a thorough search for the next several hours, but they did not recover anything incriminating. Several neighbors, as well as family members, saw Sukhdev Singh in police custody. After the search operation, the police took Sukhdev Singh away along with his uncle, Swaran Singh.

The following day Sukhdev's mother Manjit Kaur, accompanied by several members of the village council, went to Kairon police post and pleaded with the officers to release her son. The police would not release Sukhdev, but they did release his uncle Swaran Singh. Family members continued to do the rounds of Kairon police post for the next several days, but they were not allowed to enter the compound and no officer spoke to them.

Until the CCDP members visited the family to investigate the case, the family had no formal knowledge about what happened to Sukhdev Singh after his arrest by Kairon police post and the search of his house on 28 July 1992. The committee members informed Manjit Kaur about the CBI's list of identified cremations that shows that inspector Subha Singh of Valtoha police station carried out his cremation along with two others on 29 July 1992. Sukhdev's mother and other family members broke into tears after hearing this. However, the information did not come as a real shock since they had read a newspaper report on 30 July 1992, stating that three militants had been killed in an encounter with the Valtoha police. According to Manjit Kaur, the newspaper report identified only two persons, declaring the third to be unidentified. The two persons identified by newspaper reports were:

- [1] Sawinder Singh, s/o Bala Singh, resident of Bundala village; and
- [2] Jagtar Singh, s/o Joga Singh, resident of Bugga village.

According to Manjit Kaur, in two separate incidents, the police also arrested and killed two of Sukhdev's uncles. Their names are: [1] Balkar Singh, s/o Hari Singh of Jand village; and [2] Santokh Singh, s/o Guran Singh, resident of Luhka village.

181. Under serial no. 211/792, the list identifies the cremation of Salvinder Singh Shinder, s/o Malkit Singh, r/o Waring Suba Singh, carried out by SHO Gurbhachan Singh of Tarn Taran's city police station on 2 August 1992, under FIR no. 91/92.

The post-mortem report is marked as KK-52/92. The cause of death is given as “police encounter”.

The committee has acquired the following information through its incident report form no. CCDP/01617. The main informant is Malkeet Singh, the victim’s father.

Twenty-year-old Salwinder Singh, son of Malkeet Singh and Jasbir Kaur, was a college student from village Waring Suba Singh, Patti Barian Wali, under Verowal police station, in Khadur Sahib sub-division of Amritsar district. The youngest of the three brothers, Salwinder had finished higher secondary education and had enrolled himself at the Khadur Sahib College in early 1992 when the Verowal police raided his house with the intention of arresting him. Salwinder was not at his home at that time. The police instructed his family members to produce him for an interrogation, but Salwinder was afraid of torture and left his house to stay with his friends. The police started harassing his family members, detaining and torturing them for information about Salwinder’s whereabouts.

On 2 August 1992, the police killed Salwinder on the main street of Tarn Taran city as he walked with some of his friends. A passing police patrol recognized him and shot him down. By the time the family came to know about Salwinder’s death, the police had already cremated his body.

His father Malkeet Singh seemed terrified to talk about the incident and said that he was not interested in taking any legal action in the matter.

182 - 183. Under serial nos. 214/809 and 215/810, the list identifies two cremations carried out by SHO Ashok Kumar of Jhabbal police station on 15 August 1992, mentioned under FIR no. 91/92. They are of: [1] Paramjit Singh, alias Pamma, s/o Sucvha Singh, r/o Nowsherra Dalla Khassa; and [2] Narinder Pal Singh, s/o Hari Singh, r/o Kasail Khassa. The post-mortem reports are marked as KSA-17/92 and KSA-18/92. The cause of death is mentioned as “bullet injuries”.

The CCDP has gathered the following information regarding Paramjit Singh through its incident report form no. CCDP/01421. The main informant is Shindo, the victim’s mother.

Paramjit was a 16-year-old *Mazhabi* Sikh boy from Naushehra Dhala village under Gandiwind Saran police station in Tarn Taran. His father Sucha Singh had died when Paramjit was very young and his mother Shindo raised him under great financial hardships. Paramjit did not attend school, but worked as a casual laborer. He was drawn to the militant movement and may have developed some clandestine contacts with its members.

On 16 August 1992, the Punjabi daily *Ajit* carried a report about an encounter near Bhojia village in which the police had supposedly killed Paramjit Singh Pamma and Narinder Pal Singh Nitu, s/o Hari Singh, resident of Kasel. The family members were not informed about the cremation and they never saw the body. According to Shindo, Paramjit Singh’s mother, the Tarn Taran police already had her son in their custody and had faked the encounter, but she has no evidence to establish her suspicion. Fear, poverty and illiteracy prevented the family from pursuing the case.

184 – 185. Under serial nos. 223/837 and 224/838, the list identifies two

cremations, carried out by SHO Govinder Singh of Valtoha police station on 11 September 1992, under FIR no. 52/92. They are of: [1] Resham Singh, s/o Swarn Singh Jat, r/o Deriwal; and [2] Jaspal Singh alias Jassa, s/o Nirmal Singh Jat, r/o Dariwal. The post-mortem reports are mentioned as KS-56/92 and KS-57/92. The cause of death is mentioned as “police encounter”.

The CCDP has gathered the following information about these cases through its incident report form no. CCDP/01569 and 01568. The main informants are the victims’ fathers, Swarn Singh and Nirmal Singh.

Twenty-one-year-old Resham Singh, son of Swarn Singh and Jagir Kaur, was a resident of village Dhariwal in Patti sub-division of Amritsar district. Older of two brothers, he dropped out of school after class VIII to help his father with the agricultural work. He married Balwinder Kaur and fathered a daughter, Ranjit Kaur, who is now 10. His widow has since remarried. Balwinder Singh and his family members had no political or militant affiliations and had never been arrested or harassed before his execution.

Nineteen-year-old Jaspal Singh, son of Nirmal Singh and Dalbir Kaur, from the same village, had also given up school after class VII and was engaged in agricultural work. Jaspal was also a poetry enthusiast and specialized in reciting heroic poetry of old martyrs who had died facing state tyranny and persecution when Punjab was under the Mughal, the Afghan and the British rules. He used to receive invitations to recite his poetry at the commemorative ceremonies organized for those killed in the custody of security forces. The police considered his poetry recitation offensive and had arrested and tortured him a few times. They did not, however, implicate him in false criminal cases.

One morning around 6 a.m. in end of July 1992, the Ghariala police led by ASI Nirmal Singh arrested Resham Singh from his house and then went to Jaspal Singh’s house. Jaspal, however, had gone to serve tea to the agricultural laborers in his fields. The policemen forced his father to come along with them to his fields and arrested Jaspal. The Ghariala police told the families that both the boys would be interrogated at Patti police station. The families reached Patti police station where they could not get any information about their boys and were told to inquire at Ghariala police post. At Ghariala police post, ASI Nirmal Singh told them that he had handed over both Resham and Jaspal to the Valtoha police. The families, accompanied by village elders, then went to Valtoha police station, but the police did not allow them to enter the station. As the families could not make any headway in tracing the boys, they approached the local Congress legislator, Gurchet Singh, for help. Gurchet later claimed to have met the police officers and gave the assurance that Resham and Jaspal would not suffer any harm. The Congress legislator also told the families that both of the boys were being held at Valtoha police station in connection with the investigation of a case. The family members were, however, unable to meet them although they waited outside the police station for several hours a day over the next five weeks.

In the morning on 11 September 1992, friends of the families told them about an “encounter” near village Jand in which two young Sikhs had reportedly been killed. Immediately, members of both the families went to the Patti Civil Hospital. Resham Singh’s father Swarn Singh managed to enter the hospital and he identified the

bodies of Resham Singh and Jaspal Singh. The police carried out the cremations and did not allow the families to be present there.

On 12 September 1992, the daily *Ajit* published a report about the encounter near village Jand in which the police claimed to have killed two unidentified militants.

The families were helpless and could not do anything to demand justice. Even now, they fear retribution if they raise their voices.

186. Under serial no. 226/844, the list identifies the 17 September 1992 cremation of Manjinder Singh alias Shamsher Singh alias Shera, s/o Jasbir Singh, r/o Muchhal, carried out by SI Ragbir Singh of Harike police station under FIR no. 46/92. The post-mortem report is marked as SLG-84/92. The cause of death is given as “police encounter”.

The committee has gathered the following information about the case through its incident report form no. CCDP/01556. The informant in this case is Jawahar Singh, the correct name of the victim’s father, which the CBI’s list incorrectly records as Jasbir Singh.

The CBI’s list also falsifies the name of their native village as Muchhal. The name of the village is Manochahal under Jhabbal police station in Tarn Taran sub-division of Amritsar district. Twenty-one-year-old Manjinder, alias Shamsher Singh, was the son of Jawahar Singh and Manjit Kaur, from Manochahal village. He was a high school student and also a follower of Gurbachan Singh Manochahal, a well-known Sikh militant leader.

The police used to raid his house frequently because of this connection and arrest his close family members for interrogation under torture for long periods of time. Even his grandparents and uncles were not spared.

Several members of the family, including his father Jawahar Singh, uncle Kashmir Singh and brother Major Singh, were in illegal custody at the CIA staff interrogation center of Tarn Taran when Manjinder was arrested from a house in Roore Asal village on 12 September 1992. The police brought him to the interrogation center at Tarn Taran and brutally tortured him for days in the presence of his family members. They released his family members a week later.

On 17 September 1992, the daily *Ajit* published a report about an encounter between Alipur and Nabipur villages in which the Harike police had supposedly killed three militants. Two of them were identified as Manjinder Singh of Manochahal and Thakar Singh Pamma of Rasoolpur. The report declared the third militant slain in the encounter as unidentified.

The CBI’s list of partially identified cremations, Under serial no. 91/843, records the cremation of Avtar Singh alias Thakur Singh alias Pappu, r/o Rasoolpur, on 17 September 1992, under FIR no. 46/92 of Harike police. The post-mortem report is marked as SLG-83/92. Avtar Singh’s story is summarized in the appropriate section. The unidentified cremation of the same day is recorded in the CBI’s third list of unidentified cremations, Under serial no. 529/845.

The police did not allow the families to attend the cremations.

187 - 188. Under serial nos. 227/851 and 228/852, the list identifies two cremations on 19 September 1992, carried out by SHO Ashok Kumar of Jhabbal police

station under FIR no. 102/92. They are of: [1] Balwant Singh, s/o Mohinder Singh, r/o Kasail; and [2] Malkeet Singh, s/o Sardool Singh, r/o Pandori Ramana. The post-mortem reports are marked as KSA-25/92 and KSA 26/92. The cause of death is mentioned as “police encounter”.

Through its incident report form no. CCDP/01438, The committee has acquired the following information regarding Balwant Singh’s case. The main informant is the victim’s brother Jaswant Singh.

Twenty-year-old Balwant Singh, s/o Mohinder Singh, was from village Kasel, Maane Ki Patti, under Jhabbal police station in Tarn Taran. His father Mohinder Singh had died when Balwant was young. Balwant went to school and became known as a good hockey player. He passed the matriculation examination before deciding to settle down as a farmer and support his family by cultivating three acres of the family land.

Balwant Singh was also a baptized Sikh and very religious-minded. He sympathized with the militant movement but was not directly involved with it. However, the police registered a case against him under TADA and sent him to jail where his sympathies for the militant cause further strengthened. After his release on bail, Balwant Singh decided to join the militant movement.

Balwant Singh’s decision led to great hardships and sufferings for his family. The police from Jhabbal, Lopoke and Amritsar began to raid his house frequently. Not finding Balwant Singh, they would take away other family members, including the women, for interrogation and torture. Often, the police held the family members in illegal custody for months together. To escape these atrocities, the family began to live with relatives away from the village. Once during their absence from the village, the police demolished their house.

On 19 September 1992, several Punjabi papers reported an encounter near village Aima Khurd under Jhabbal police station in which the police allegedly killed Balwant Singh and one of his unidentified accomplices. Balwant Singh’s family members did not see his body, nor were they able to attend his cremation. The fear of the police was so overpowering that they did not dare to return to their house for one-and-a-half months after the newspapers published the news of Balwant’s death. They do not know if he died in a genuine encounter or whether the police killed him in custody and orchestrated an encounter to cover up his murder. The Punjabi daily *Ajit* had reported that the second militant killed along with Balwant Singh was unidentified. In the CBI’s list, the second cremation under FIR no. 102/92 carried out by SHO Ashok Kumar on 19 September 92 is identified as of Malkeet Singh, s/o Sardool Singh, r/o Pandori Ramana. Our informant Jaswant Singh, who is Balwant Singh’s brother, maintains that the second person killed in the same encounter was Sukha, a resident of village Mianpur under Jhabbal police station.

189. Under serial no. 229/853, the list identifies the cremation of Sukhwinder Singh, alias Sukha, s/o Banta Singh, r/o Thathu Khurd, carried out by SI Raghbir Singh of Harike police station on 24 September 1992, under FIR no. 48/92. The post-mortem report is marked as SLG-93/92. The cause of death is given as “police encounter”.

The CCDP has got the following information about the case through its incident report form no. CCDP/01493. The main informant is the victim's father Banta Singh.

Sukhwinder Singh, alias Shinda, was from Thathian Khurd village, post office Harike under Patti sub-division of Amritsar district. His father Banta Singh is a small farmer and had three sons and four daughters. Sukhwinder Singh was the eldest. Sukhwinder was bright in his studies and earned a B. A. degree before deciding to share the responsibility of agricultural work with his father. He married Harmeet Kaur from Agra and had two daughters who are now 14 and 11. Sukhwinder was a baptized Sikh and had no political links. The police never filed a case against him. At the time of his murder, Sukhwinder Singh was 25.

On 22 September 1992, a joint force of the CRPF and the Punjab police force led by SHO Raghbir Singh of Harike police station cordoned off the village of Thathian Khurd suspecting that a group of militants had taken shelter in the village.

Around 3 p.m. Sukhwinder was standing near the village gurdwara, along with many others from the village when the police force under SHO Raghbir Singh caught hold of him and started beating him. The SHO accused him of having met some militants but Sukhwinder denied it. The SHO dragged Sukhwinder inside the gurdwara and started torturing him there. All the villagers heard his shrieks. Sukhwinder's sister Sukhwant Kaur came running in, lay down over her brother and pleaded with the SHO and other officers not to torture him further, but they pushed her away. Sukhwinder was stripped naked and tortured brutally. This all happened in the village gurdwara in front of Sukhwant Kaur. Some policemen dragged Sukhwinder into a police vehicle even as Sukhwinder's mother came running and tried to stop them. But the SHO kicked her away, and abused her with filthy language.

Within an hour of the police taking Sukhwinder away, his mother Amar Kaur, uncle Harbans Singh and several other villagers reached Harike police station. But the SHO had already left for another place after locking up Sukhwinder in the police station. They cajoled the policemen on duty to hand him some milk and food, and also some fresh clothes. The policemen allowed milk and food but refused to take the clothes.

On 23 September 1992 morning, Harbans Singh and Amar Kaur met SHO Raghbir Singh at the police station and pleaded with him to release Sukhwinder Singh or present him before a court. When Harbans Singh placed his turban at the SHO's feet to beseech him, the SHO kicked the turban away and asked him not to talk to him about the boy. Further, he told them to get ready to collect his ashes. Crestfallen, they left the police station and did not know what to do.

Early morning on September 24, Amar Kaur went back to the police station and asked a nearby food vendor to take tea for son in the police station if the constables had permitted it. The vendor told her that a policeman had returned his glass of tea.

Soon the word spread that the police had killed her son in an encounter fake at village Booh around 5 a.m. and that his body had been sent for post-mortem to Patti civil hospital. Amar Kaur along with other relatives and villagers rushed to Patti and, at the hospital, confirmed that Sukhwinder's body was lying in the mortuary. They also checked the hospital records and found out that Sukhwinder's body had been registered.

By now a large number of people from the village had gathered there. ASI Balwant Singh came there with a large force and ordered everyone to leave. He threatened to

shoot them if they stayed. Scared, the crowd dispersed. The police did not allow the family members to attend the cremation.

On 25 September 1992, Punjabi newspaper *Ajit* published the police version of the encounter. According to the story, Harike police led by its SHO were conducting a search operation in a ravine part of the area under its jurisdiction when three militants hiding in the bush opened fire. The police retaliated, killing one militant. Others managed to escape. The killed militant was identified as Sukhwinder Singh alias Chhinda, son of Banta Singh, from Thathian. According to the news report, a double-barrel gun with cartridges and another 12-bore gun were recovered from the site of the incident.

Immediately thereafter, Sukhwinder's sister who had witnessed his torture at the gurdwara suffered a stroke and lost her speech. After prolonged treatment, she has now begun to speak but goes into a fit on seeing anyone in a khaki uniform.

Sukhwinder's widow Harmmeet Kaur, along with her daughters, moved back with her parents and our informant, Banta Singh, i.e. Sukhwinder's father, does not know if she has remarried or not.

190. Under serial no. 230/855, the list identifies the cremation of Surjeet Singh, s/o Sajjan Singh, r/o Khalra, carried out by SHO Harbinder Singh of Bikhiwind police station on 25 September 1992, under FIR no. 71/92. The post-mortem report is marked as KS-70/92 and the cause of death is given as "firearm injuries".

The committee has gathered the following information about this case through its incident report form no. CCDP/01631. The main informant is the victim's mother Sita Rani.

The CBI's list gives the victim's name incorrectly as Surjit Singh. His name was Gurjeet Singh. Twenty-two-year-old Gurjeet Singh was the only son of Sajjan Singh and Sita Rani who lived at Hata Bhagdeen of Khalra village in Patti sub-division of Amritsar district. They were a family of Khatri Sikhs. His mother was a Hindu and continued to practice her religion. This caused some tension within the village whose militant Sikhs accused her of practicing sorcery. For this reason, she had to shift her residence to Amritsar city where she still lives at House No. 8, Gill Wali Gate, Bhagtan Wala, Guru Ram Das Nagar, near SD School, Amritsar.

After completing his matriculation, Gurjeet was employed as a foreman at a rice shelling factory where his father also worked. He married Sukhwinder Kaur, but they did not have children yet. Sukhwinder Kaur has since remarried.

On 5 July 1990, the Bhikhiwind police arrested Gurjeet while he was returning home after work at the factory. The police had picked him up merely because they were suspicious that he had married just a week before. He was brutally tortured and implicated in a case under TADA. The police concocted a story of arresting him following an encounter. Gurjeet had to remain in jail for one year until his release on bail. On 9 September 1991, three days after his release from jail, Gurjeet Singh left his house to resume his work at the factory, but did not return home.

The next morning, a relative, Satinder Singh Sodhi of Jhabbal village, came to the house to convey the message that Gurjeet has again been arrested by Amritsar's Sadar police near Putlighar Chowk. The same day, Sita Rani along with her brother Hardeep Singh, who was a policeman, went to Sadar police station whose officials

denied having Gurjeet in their custody. Someone then suggested that the police might have transferred him to the B. R. Model School interrogation center. Sita Rani then went to the interrogation center and talked to DSP Gurdev Singh who also denied Gurjeet's custody. According to Sita Rani, one person who was considered very close to DSP Gurdev Singh, had demanded Rs. 20,000 for Gurjeet's release, but backed out when she demanded to see her son first.

Sita Rani and her husband continued to search for their son at various police stations throughout the district. They also submitted written applications to high functionaries of the Indian government, including the governor and the chief minister of Punjab, but did not receive any response. Their search and attempts to find him continued for many years under the desperate belief that he may yet be alive.

Gurjeet had disappeared in September 1991. The CBI's list shows his cremation on 25 September 1992. Sita Rani suspects that Jasbir Kaur Pasho, a woman from Khalra village who had first informed the family about Gurjeet's arrest on 10 September 1991, may have played a part in the abduction and disappearance of her son, but there is no evidence to prove this.

The CBI's list of cremations shows that Gurjeet was cremated by SHO Harbinder Singh of Bhikhiwind police on 25 September 1992, and is mentioned under the FIR no. 71/92. The CBI's third list, Under serial no. 534/854, shows that the SHO performed one other unidentified cremation listed under FIR no. 71/92 that same day. We have identified this cremation to be of Sarwan Singh, son of Gurmej Singh and Harbans Kaur. His case is discussed in the relevant portion of this report. Why were the two unrelated people mentioned as cremated under the same FIR no.?

191. Under serial no. 231/859, the list identifies the cremation of Ranjit Singh, alias Raju, s/o Sewa Singh, r/o Kaler, carried out by SI Resham Singh of Tarn Taran's city police station (date) under FIR no. 112/92. The post-mortem report is marked as KK-60/92 and the cause of death is given as "police encounter".

The committee's incident report form no. CCDP/00771 has the following information. The main informant is the victim's father Sewa Singh.

Twenty-six-year-old Ranjit Singh, alias Raju Bhullar, employed by the Punjab Roadways as a conductor, used to live in Village Kaler Mangat, PO Luddar under Majitha police station in Amritsar district. He was unmarried.

On 12 September 1992, around 7:30 a.m. a team of Tarn Taran police came to Mangat Kaler and arrested Ranjit Singh as he was walking back to his house with his father Sewa Singh. They told Sewa Singh that the SSP of Tarn Taran wanted to see Ranjit Singh and that he could come to the office to find out why.

On 13 September 1992, Sewa Singh met SSP Ajit Singh Sandhu as he was leaving his office. Sandhu told him that his son was required in connection with an investigation and would be released after interrogation.

On 19 September 1992, around 1 p.m. Tarn Taran police came with Ranjit Singh to



Ranjit Singh

his house and conducted a search. Ranjit Singh's mother Surjit Kaur and his brother Kanwaljit were present. The search did not reveal anything incriminating. Sewa Singh pleaded with the officials escorting Ranjit Singh to release him since they had not discovered anything incriminating. The police told him that only the SSP could make that decision.

The same afternoon, Sewa Singh went again to the office of the SSP whom he could not meet, but he approached other officers to ask about his son. They told him that Ranjit Singh was not in police custody and that he had never been arrested.

The CBI's list clearly identifies the cremation of Ranjit Singh on 28 September 1992, carried out by SI Resham Singh of Tarn Taran city police station.

However, Sewa Singh claims to have seen his son Ranjit Singh under police escort in a jeep that was standing at Thandi Khui at Ram Bagh in Amritsar on 4 January 1993. Sewa Singh approached the police officers and requested them to let him speak to his son. Recognizing Sewa Singh, they started the jeep and drove away.

Twelve days later, on 16 January 1993, Ranjit Singh's brother Kanwaljit Singh saw him again in a police vehicle that was parked near Sangam theatre across Amritsar's bus stand. As soon as Kanwaljit Singh approached the officer in-charge for permission to speak to his brother, the officer got into the vehicle and drove away.

Soon after these encounters, Sewa Singh filed a petition before the high court demanding that his son be produced before the court through a writ of *habeas corpus* – Cr. W. P. No. 48 of 1993. In response, SSP Ajit Singh Sandhu filed an affidavit denying that Ranjit Singh had ever been arrested or eliminated in any encounter. The high court dismissed the petition.

Sewa Singh hopes that his son Ranjit Singh is still alive and wants an independent agency to hold an inquiry.

The SSP Tarn Taran committed contempt of court by swearing before the high court that Ranjit Singh had neither been arrested nor killed because, according to the CBI's list, he has been shown cremated by SI Resham Singh of Tarn Taran police on 28 September 1992.

However, Sewa Singh and his second son Kanwaljit Singh claim to have seen Ranjit Singh in police custody in January 1993. Can it then be that the police cremated some other body under his name on 28 September 1992, but kept him alive for some undercover operation? Did the police use him and then kill him later? Is it possible that he may still be alive?

Only an independent inquiry can answer these questions.

192 - 193. Under serial nos. 233/864 and 234/865, the list shows two cremations on 6 October 1992. The names of those cremated are: [1] Amrik Singh, alias Amrika, s/o Bawa Singh Jat, r/o Mahmoodpura, PS Valtoha; and [2] Balwinder Singh, s/o Balbir Singh Mazhavi, r/o Sabhra. The cremations were carried out by SHO SI Govinder Singh of Valtoha police station and listed in FIR no. 54/92. The post-mortem reports are marked as KS-75/92 and KS-76/92. The cause of death is given as "police encounter".

The CCDP has gathered the following information about these cases through its incident report form no. CCDP/01486 and 01672. The main informants are Kashmir Kaur, Amrik's mother, and Kashmir Singh Fauji, Balwinder's uncle.

Amrik Singh was from a poor landless Jat Sikh family. He was 18 and unmarried. After studying up to class IX, he trained as a carpenter and began to work. He was clean-shaven and not religious minded. Also, he had no political or militant affiliations.

Twenty-six-year-old Balwinder Singh, son of Balbir Singh and Bhajan Kaur, was a poor *Mazhabi* boy from Sabhra village, Malki Patti, in Patti sub-division of Amritsar district. The eldest of four children, Balwinder had to give up school to support the family. He opened a tea stall at the grain market of Sabhra village and also worked on agricultural farms during the peak periods for daily wages. According to his uncle, Balwinder had no political or militant affiliations.

On the night of 29 September 1992, SHO Govinder Singh of Valtoha police station raided Amrik Singh's house. As soon as Amrik identified himself, the SHO and other policemen began to beat him and then dragged him into a police vehicle and left. While manhandling him, the SHO kept abusing him for sheltering and feeding militants.

Amrik Singh's family members went to the police station regularly over the next days to enquire about his condition and plead with the officers to release him. But they were unable to meet the SHO. Such was the state of police terror in the area that the people in the village did not dare to intervene.

Around 8 a.m. on 2 October 1992, Balwinder was taken into custody from his tea stall by a group of officers led by inspector Balbir Singh, in-charge of the Sabhra police post. The arrest was witnessed by several villagers, including his father Balbir Singh and his uncles Jagir Singh and Kashmir Singh. The in-charge of the Sabhra police post promised to release Balwinder after his interrogation.

Balbir Singh continued to visit the Sabhra police post and meet the inspector. For the first few days, the inspector kept promising that Balwinder would be released after his interrogation. On the fourth day, the officer changed his tone and pointing towards Balwinder's younger brother Gurcharan, he said: "Forget about Balwinder. It is now the turn of your second son to be interrogated." When Balbir Singh started crying, the officer took pity and told him that he was not holding Balwinder Singh and that his senior officials at Valtoha police station were supervising the case.

On 7 October 1992, Punjabi newspapers published a report that announced the deaths of two militants Amrik Singh and Balwinder Singh in a police encounter near Mehmoodpura.

The incident had a traumatic impact on Balwinder's mother Bhajan Kaur who died from shock a few weeks later. His father Balbir Singh also died of grief, according to his brother Kashmir Singh. Balwinder's younger brother Gurcharan Singh now lives at a relative's house in village Khalra.

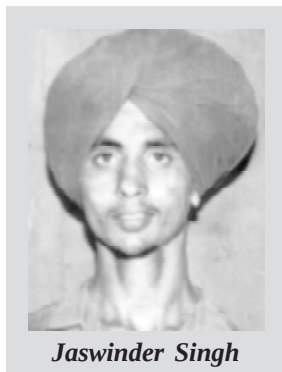
194. Under serial no. 236/868, the list identifies the cremation of Jaswinder Singh, alias Sahid, s/o Mangal Singh, r/o Singpora carried out by SI Rawail Singh of Bikhiwind police station on 11 October 1992 under FIR no. 74/92. The post-mortem report is marked as SLG-102/92 and the cause of death is given as "police encounter".

Through its incident report form no. CCDP/00560, the CCDP has gathered the following information. The main informant is Gurmej Singh, the victim's maternal uncle.

Twenty-four-year-old Jaswinder Singh, alias Shahid, s/o Mangal Singh was from Singhpura under Bhikhiwind police station in Patti sub-division of Amritsar district. After passing his matriculation examination, he enrolled in a college at Patti. Starting early 1990, however, Bhikhiwind police began to illegally detain and torture him for weeks together.

In July 1991, the police picked up Jaswinder's younger brother Salwinder Singh and killed him in a fake encounter at village Kairon.

Towards the end of 1991, the police raided a Dera, or religious establishment, at village Singhpura and found Jaswinder there. The police shot him in the thigh and implicated him in a case of encounter, claiming he had been wounded in an exchange of fire. They held him in jail for the next 10 months.



Jaswinder Singh

When Jaswinder was released on bail nine months later, he began to live with his maternal aunt, Gurcharan Kaur, in Guru Ki Wadali. His parents hoped this would keep him out of harm's way.

Towards the end of September or early October 1992, a joint police force from Khaparkheri and Chheharta police stations in Amritsar arrested him from his aunt's house and brought him to Chheharta police station where they detained and interrogated him.

Also, the police illegally detained his parents, his aunt and his uncle Gurmej Singh. Therefore, there was no one in the family to pursue the matter of Jaswinder's release.

On 12 October 1992, the Punjabi daily *Ajit* published a report stating that the Bhikhiwind police had killed a militant, Jaswinder Singh from Singhpura village in an encounter with the Bhikhiwind police near village Ladho. The family was not informed about the cremation.

Jaswinder's parents, Mangal Singh and Swaran Kaur, were unable to bear the loss of both their sons and soon died out of grief.

Jaswinder's younger sister Rupinder Kaur, wrecked by the death of her entire family, now lives with her aunt and uncle at Guru Ki Wadali. She remains unmarried and has no independent source of income.

195. Under serial no. 239/875, the list identifies the cremation of Tarsem Singh, s/o Surta Singh, r/o Khojpur, carried out by SHO Ramnath of Verowal police station on 18 October 1992, under FIR no. 46/92. The post-mortem report is marked as KK-65/92 and the cause of death is given as "police encounter".

The committee has gathered the following information through its incident report form no. CCDP/01335. The main informant is the victim's brother, Sukhwinder Singh.

Tarsem Singh was 30 and lived in Khojkipur, Dhillon Patti, under Verowal police station in Khadur Sahib sub-division of Amritsar district. His father Soorta Singh, a small time farmer, had two sons and three daughters. Tarsem Singh was the eldest, but unmarried.

The June 1984 Army action against the Golden Temple had completely

transformed Tarsem, a baptized Sikh. After June 1984, Tarsem became intensely religious, but did not have any political or militant connections. The police began to suspect him because one of his neighbors Harjit Singh had gone underground and become a militant. The police illegally detained and tortured Tarsem many times. They did not, however, implicate him in any criminal case.

On 4 October 1992, around 3 p.m. some policemen from the police post at Dhote, led by head constable Balwant Singh, came to the house, and, arresting both Tarsem and his younger brother Sukhwinder Singh, took them for interrogation at Verowal police station. There they were locked up in separate rooms. Tarsem Singh's torture was particularly brutal. His brother Sukhwinder heard him shrieking in agony throughout that night. The next day, around 8 a.m. Tarsem was taken out of the police station and transferred to another place. He was unable to walk and had to be physically lifted into a vehicle. One hour later, several eminent persons of village Khojkipur came to the police station and pleaded with the officers to release the two brothers. They released Sukhwinder Singh but not Tarsem.

The family members and the village elders continued to meet head constable Balwant Singh and Somnath, the SHO of Verowal police station. At first, the officers evaded their questions, but some days later they began to deny that they had ever arrested Tarsem Singh.

The police killed Tarsem Singh and another person declared unidentified in an alleged encounter staged near the Canal bridge at Mianwind on October 17 night. The bodies were cremated at Tarn Taran without informing the family. Newspaper reports about the so-called encounter that appeared on October 19 described Tarsem Singh as a dreaded militant.

The family was unable to do anything to pursue the case.

The CBI's list of unidentified cremations, Under serial no. 545/876, records a cremation on 18 October 1992, conducted by SHO Ram Nath of Verowal police station in a case under FIR no. 46/92.

196 – 199. Under serial nos. 241/878, 242/879, 243/880 and 244/881, the list identifies four cremations carried out by SHO Amarjit Singh of Jhabbal police station on 19 October 1992, under FIR no. 109/92. They are of: [1] Dilbagh Singh, s/o Arjun Singh, r/o Shappur under police station Lopoke; [2] Kuldeep Singh, s/o Massa Singh, r/o Verpal Khalsa, Bhikhiwind; [3] Surjeet Singh, s/o Hardeep Singh, r/o Manihala Khalsa, Bikhiwind; and [4] Kishan Singh, s/o Dayal, r/o Rajoke under police station Khalra. The post-mortem reports are marked as GSD-69/92, GSD-70/92, GSD-71/92 and GSD-72/92. The cause of death is given as "police encounter".

The CCDP has got the following information about these cases through its incident report form no. CCDP/01159, 01688 and 01689. The main informants are Dilbagh's father Arjan Singh, Bhagwan Singh, brother of Nishan Singh wrongly identified by the CBI's list as Kishan Singh, and Surjit Singh's mother Balwant Kaur.

Dilbagh Singh was a 15-year-old boy, still studying in middle school, from Shahpur, post office Kandial, under Lopoke police station, in Ajnala sub-division of Amritsar district. Dilbagh was living in the house of his cousin-sister Daljit Kaur in village Varpal. Daljit Kaur's husband and her brother-in-law had both been picked up and

killed and there was no male left in the house to help her with outside chores. Dilbagh's parents, therefore, sent him to stay with her.

One day early October 1992, Dilbagh had gone out to graze some cattle. He was wandering with his cattle near the fields belonging to Kuldeep Singh, s/o Balwant Singh, from the same village, when a group of policemen arrived there to arrest Kuldeep Singh. At that time, Kuldeep was standing with Dilbagh Singh and talking to him. Both of them were taken into custody, but Dilbagh's family members did not know anything about it and continued to look for him for several days.

More than two weeks later, Punjabi newspapers reported an encounter in which Dilbagh Singh and Kuldeep Singh, along with two others had supposedly been killed. Dilbagh's family did not read the newspaper carrying this report, but heard about it from Kuldeep's family. The two families went to collect the ashes of Dilbagh Singh and Kuldeep Singh and came to know from the cremation ground attendants that it was the Jhabbal police that had brought the bodies.

Twenty-three-year-old Nishan Singh, identified by the CBI's list as Kishan Singh, son of Dayal Singh and Hardeep Kaur, was a resident of Rajo ke village, Patti Palo, under Khalra police station, in Patti sub-division of Amritsar district. The eldest of three brothers, Nishan Singh completed his matriculation and set up a small business of selling agricultural implements and tools to farmers in his area. He mostly sold his goods on credit and recovered the payments after harvest. In the beginning, his shop was located at Jhabbal town, but he later shifted to Amarkot.

In the first week of October, Nishan Singh left his home to collect the payments for the sales he had made in that season, telling his family members that he planned to return after one week. Nishan Singh first went to village Dhotian and collected his payments. The next day, as he was going through Tarn Taran city, Nishan Singh was arrested by some officers at a checkpoint on the road connecting the city to the main highway. His family came to know about the arrest two days later.

His father Dayal Singh, accompanied by several relatives including a retired DSP and members of his village council, met Tarn Taran's SP (operations) Khubi Ram. The SP disclosed that Nishan Singh had already been killed in an encounter. Dayal Singh was taken aback, but he still did not want to believe the information without some evidence. Dayal Singh then tried unsuccessfully to meet Tarn Taran's SSP.

On 19 October 1992, Dayal Singh and his relative, who had retired as a DSP, were on their way to meet DIG Bhullar to ask him about Nishan Singh's fate when they read a newspaper report that disclosed the killing of Nishan Singh, along with three others, in an alleged encounter near Panjwar village. Dayal Singh returned home. The police carried out the cremation without the family's knowledge.

Twenty-one-year-old Surjit Singh, son of Hardeep Singh and Balwant Kaur, was a resident of Manihala Jai Singh village, Patti Bholu Ki, under Bhikhiwind police station, in Patti sub-division of Amritsar district. Surjit's family had a long standing dispute with his uncle about the division of ancestral land and his uncle apparently succeeded in claiming and appropriating Surjit's father's share. Surjit was upset about this and, according to his mother, decided to leave his home to join the ranks of militants.

Balwant Kaur does not know when and how the police managed to nab her son and killed him along with three others in an encounter staged in Panjwar village on October 18, as it was reported in several newspapers.

200. Under serial no. 245/884, the list identifies the cremation of Satnam Singh alias Satta, s/o Kundan Singh, r/o Sarhalli Manda, carried out by SHO Govinder Singh of Valtoha police station on 17 October 1992, under FIR no. 58/92. The post-mortem report is marked as SLG-106/92 and the cause of death is given as “police encounter”.

The CCDP has gathered information about this case through its incident report form no. CCDP/01498, which has been presented along with the report about the cremation of Satnam’s brother Nishan Singh on 27 January 1993, recorded in the CBI’s identified list Under serial no. 281/968.

201. Under serial no. 246/885, the list identifies the 24 October 1992 cremation of Jasbir Singh alias Jassa, s/o Amrik Singh, r/o Toot, PS Valtoha, carried out by inspector Suba Singh of Khalra police station under FIR no. 52/92. The post-mortem report is marked as 24/10/92 and the cause of death is given as “police encounter”.

The CCDP has gathered the following information about this case through its incident report form no. CCDP/01692. The main informant is the victim’s father Amrik Singh.

Jasbir Singh alias Jassa, son of Amrik Singh and Raghbir Kaur, was a 16-year-old school boy from village Toot, post office Bhangala, under Valtoha police station, in Patti sub-division of Amritsar district. He lived with his parents along with his three brothers and three sisters.

Apparently in early 1992, Jasbir came under the influence of the militant movement and failed to appear for his matriculation examination that summer. Around the same time, when the police began raiding his house to arrest him, Jasbir became a fugitive. The police officials began to harass his family members, illegally detaining his father, his brothers and sisters and torturing them in police custody.

Jasbir could not cope with life as a fugitive and became very ill. In early October 1992, one of his associates, known as Pala, arranged for him to stay at his maternal aunt’s house at village Mallian.

Approximately the same time, the Valtoha police had taken his parents, Amrik Singh and Raghbir Kaur, his brother Jatinder Singh, his sisters and his sister-in-law into illegal custody and held them under interrogation, attended by brutal torture, for nearly 10 days. The police arrested Jasbir from his refuge at Mallian village in the night intervening 19 and 20 October 1992. According to Amrik Singh, Jasbir had been betrayed by one of his associates under torture in police custody. The police also arrested Pala’s aunt, her son and daughter, and took them all to the CIA staff interrogation center at Tarn Taran. Jasbir was locked up separately.

On 25 October 1992, the Valtoha police released Jasbir’s parents and other relatives. The same day, Amrik Singh read a newspaper report that announced the killing of his son Jasbir, along with four others, in a supposed encounter that had taken place at village Mari Udoke under Khalra police station. The newspaper report also identified Balbir Singh, s/o Sadhu Singh of Chutala village, as the second militant killed in the incident. The other three were declared to be unidentified militants. The police carried out the cremation without the family’s knowledge.

A few days later, Amrik Singh found out that Raj Singh, son of Gurdeep Singh,

former headman of the village council of Jhungian Peer Bakhsh, a neighboring village, had also been killed in the same encounter. The police had arrested Raj Singh from his house.

The CBI's identified list shows only Jasbir's cremation, carried out on 24 October 1992 by SHO Suba Singh of Khalra police station, under FIR no. 52/92. The CBI's partially identified list, Under serial no. 95/886, shows the second cremation of Balbir Singh alias Beera, s/o Sadhu Singh Chalata, r/o Tarn Taran, carried out by SHO Subha Singh of Khalra police station on the same day and under the same FIR. Three remaining 24 October 1992 cremations carried out by the Khalra police under the same FIR are recorded in the CBI's unidentified list, Under serial nos. 547/887, 548/888 and 549/889. Their post-mortem reports are marked as KS-89/92 and KS-90/92.

A few weeks after Jasbir's killing, some uniformed policemen raided Amrik's house and took his younger son Sukhdev Singh away. Amrik Singh and other members of his family heard him screaming in agony while the police tortured him in the tube well room of farm. Next morning, Amrik Singh and other members of his family found Sukhdev's body with a naked electric wire lying near his neck.

Amrik Singh and his family members could not take any action.

202. Under serial no. 247/894, the list identifies the cremation of Manjit Singh, s/o Ram Singh, r/o Thathian, carried out by SHO Raghuvir Singh of Harike police station on 29 October 1992, under FIR no. 52/92. The post-mortem report is marked as KS-91/92 and the cause of death is mentioned as "police encounter".

The CCDP has gathered the following information through its incident report form no. CCDP/01491. The main informant is the victim's mother, Jagir Kaur.

Twenty-five-year-old Manjit Singh, s/o late Ram Singh, lived in Thathian Khurd under Harike police station in Patti sub-division of Amritsar district. His father had died leaving very little agricultural land for his four sons to survive on. Hence, Manjit Singh and his younger brother Ram Singh were admitted to Dam Dami Taksal. Manjit Singh was trained as a *paathi*, a reader of the Sikh scripture, and he lived on the contributions given to him by the organizers of religious recital. Later on, his youngest brother Heera Singh also joined the Taksal.

In 1987, Manjit Singh was arrested because of his association with the Dam Dami Taksal and was charged under TADA. He remained in jail for nearly two years and then came out on bail. Meanwhile, Manjit's family had shifted to Muktsar city to escape police atrocities. The police had not given up on Manjit Singh and detained him and his younger brothers a number of times for interrogation and torture. Harike police, under SHO Raghuvir Singh, also demolished his ancestral house in Thathian Khurd. These experiences contributed significantly to Manjit's decision to become an active militant.

Manjit Singh and two of his associates, Navtej Singh Laadi from Lakhana Tappa and Bhupinder Singh from Khanna, were killed in an encounter on 27 October 1992. A joint force of Harike and Tarn Taran police surrounded them in the fields near village Thathian Khurd. The police had obtained the information about their location from Manjit's elder brother Sardool Singh who was taken into custody some days before the incident. The police took Sardool Singh to the site of the incident to identify Manjit's body, however, did not hand it over to the family for cremation. The

police did not even allow the family members attend the funeral.

The cremations of Navtej Singh Laadi and Bhupinder Singh are not mentioned in any of the CBI's lists and it is not clear what happened to their bodies.

In a separate incident, the police also killed Manjit Singh's younger brother Heera Singh, who was training at Dam Dami Taksal.

203. Under serial no. 248/898, the list identifies the cremation of Sukhdev Singh, s/o Sardool Singh, r/o Sursingh, carried out by SI Surinderpal Singh of Sarhalli police station on 2 November 1992, under FIR no. 85/92. The post-mortem report is marked as KKS-103/92 and the cause of death is mentioned as "police encounter".

Through its incident report form no. CCDP/00581, the CCDP has gathered the following information about this case. The main informant is Rajwant Kaur, the victim's widow.

Sukhdev Singh, alias Sukha, a 23-year-old farmer married to Rajwant Kaur had two children and lived in village Sur Singh, Patti Nangal Ki, under Bhikhiwind police station in Patti sub-division of Amritsar district. He was the only son of his parents, Sardool Singh and Surjit Kaur.

On 6 April 1991, a group of police officers from Jalalabad police station in Ferozepur district raided Sukhdev Singh's house and took him to Ferozepur for interrogation. They did not disclose why Sukhdev Singh was wanted. As Jalalabad police officials refused to release him from illegal custody, Rajwant Kaur, his wife, went to Chandigarh and met with the Punjab governor. After listening to her, the governor gave her a letter recommending the release of her husband from illegal custody. Armed with the letter, she went to the SHO of Jalalabad police station who then released Sukhdev.

After this event, Sukhdev did not face any harassment from the local police officials. They did not detain him for interrogation or file any criminal charges against him.

However, on 1 November 1993, a group of police officers from Sarhalli police station, led by SHO Surinder Pal Singh, abducted Sukhdev Singh for the second time from his fields. On 3 November 1993, the Punjabi dailies *Ajit* and *Punjabi Tribune* reported Sukhdev Singh's death in an encounter with the Sarhalli police. The police had already cremated his body as unclaimed although no one informed the family about the incident.

204. Under serial nos. 249/899, the list identifies the cremation of Sukhwinder Singh, s/o Mohinder Singh, r/o Sankheera, carried out on 7 November 1992 by SHO J. Sidhoo of Jhabbal police station, under FIR no. 113/92. The post-mortem report is marked as 7/11/92, and the cause of death is given as "police encounter".

The CCDP has acquired the following information through its incident report form no. CCDP/01444. The main informant is the victim's brother Balwinder Singh.

Sukhwinder Singh, alias Kaku, was a 23-year-old farmer from Sakhira village, Patti Bambe in Tarn Taran sub-division of Amritsar district. He was married to Jasbir Kaur and had a child who is now 11. A baptized Sikh, Sukhwinder was not involved in politics or militancy and had never been arrested before.

On 2 or 3 November 1992, around 7 a.m. ASI Raj Kumar, in-charge of Manochahal

police post, raided Sukhwinder's house. A contingent of the CRPF, in a separate vehicle, also accompanied the police party. Entering the house, ASI Raj Kumar asked for Kaku. Sukhwinder came out of his room and identified himself. They immediately took him into custody and, after a thorough search of the house, pushed him into a police vehicle and drove away in full view of the family.

Early next morning, the family members along with several village elders reached Manochahal police post and met SHO Raj Kumar. The SHO told them that Sukhwinder was still required for interrogation, but would be released. For the next two days, the SHO gave the family and village elders the same assurance.

The SHO changed his approach on the third day. He now said that he had never arrested Sukhwinder and that he was not at his police post. Many village elders got agitated and told him that they had seen Sukhwinder at his post only a day before. But SHO Raj Kumar refused to listen to them and ordered them to leave.

A day later, the family members and other eminent persons from the village met DSP Ashok Kumar and SHO J. Siddhu of Jhabbal police station. When the DSP asked them to wait for one more day, the delegation assumed that he was promising to release Sukhwinder the next day.

On 8 November 1992, newspapers carried a report about an encounter between militants and the Jhabbal police in which Jaswinder Singh Sakhira and one of his unidentified associates had been killed. The family members found out from a sympathetic police constable that Sukhwinder was the unidentified militant. The CBI's list of unidentified cremations, Under serial no. 553/900, shows another cremation carried out by J. Sidhoo, SHO of Jhabbal police station on 7 November 1992 in the same case under FIR no. 113/92.

There was nothing the family could do now. They collected Sukhwinder's ashes from Tarn Taran cremation ground. Sukhwinder's father Mohinder Singh became grief stricken, and his condition steadily deteriorated. He died one-and-a-half year later.

In a separate incident, the Mallawala police in Ferozepur district also arrested and killed Sukhwinder's brother-in-law, Baldev Singh, s/o Gurdial Singh, r/o Aali Kalan, Sultanpur sub-division of Kapurthala district.

205 – 206. Under serial nos. 250/906 and 251/907, the list identified two cremations carried out on 7 November 1992 by SHO Teg Bahadur Singh of Bhikhiwind police station under FIR no. 75/92. They are of: [1] Karaj Singh alias Kali, s/o Mukhtiar Singh Jat, r/o Lakhna Tappa; and [2] Baljinder Singh, s/o Amar Singh, r/o Thota. The post-mortem reports are marked as KS 95/92 and KS 96/92. The cause of death is mentioned to be “police encounter”.

The CCDP has acquired the following information about Karaj Singh through its incident report form no. CCDP/01531. The main informant is the victim's father Mukhtiar Singh.

Twenty-one-year-old Karaj Singh, son of Mukhtiar Singh and Balbir Kaur, was a resident of Lakhna Tappa village under Bhikhiwind police station in Patti sub-division of Amritsar district. He was the youngest of four brothers. In 1990, after he passed his matriculation examination, the Sarhalli police started raiding his house because they suspected him of having militant links. Members of the village council

intervened to save him from the situation and procured his unconditional release. After some weeks, however, the police started raiding his house again and, in Karaj Singh's absence, detaining his family members. Even the female members of his family were not spared from illegal arrests and custodial torture meant to elicit information leading to Karaj Singh's arrest. But Karaj Singh no longer kept in touch with his family.

Early in the last week of October 1992, DSP Paramdeep Singh Teja and SHO Teg Bahadur Singh of Bhikhiwind police station raided the house of Karaj Singh's aunt Palo, married to Swaran Singh, at village Mari Nauabad. They arrested Karaj Singh who was staying with her. The police also arrested Palo's daughter-in-law, Kulwinder Kaur, and brought them all to Bhikhiwind police station for interrogation. Karaj Singh's parents Mukhtiar Singh and Balbir Kaur were already in illegal police custody at Bhikhiwind police station and saw their son being brought there following his arrest at Mari Nauabad. The police transferred Karaj Singh to the CIA staff interrogation center at Tarn Taran the same night.

On 6 November 1992, the police declared that Karaj Singh and one of his associates had been killed in an "encounter" that supposedly occurred between villages Mari Kamboke and Choonga. Balbir Kaur saw the bodies when they were brought to Bhikhiwind police station on their way to Patti Civil hospital for their post-mortem. The bodies were cremated by the SHO of Bhikhiwind police station while Karaj Singh's parents remained in jail.

The police released Mukhtiar Singh six days after the cremations. Daljit Kaur remained in illegal police custody for one month after the police cremated her son's body. In the course of her prolonged illegal detention at Bhikhiwind police station, Daljit Kaur discovered the identity of the other young Sikh killed along with her son in the fake encounter. He is Baljinder Singh, s/o Amar Singh of village Thatta whose cremation is recorded in the list Under serial no. 251/907.

207 – 209. Under serial nos. 252/909, 253/910 and 254/911, the list identifies three cremations held on 15 November 1992 by SHO Teg Bahadur Singh of Bikhiwind police station under FIR no. 76/92. They are of: [1] Rajinder Singh, alias Doctor, s/o Baldev Singh, r/o Awachak, police station Mehta; [2] Baljinder Singh, s/o Jernail Singh, r/o Saidowal; and [3] Raghubir Singh, alias Raju, s/o Gurbaksh Singh, r/o Awa. The post-mortem reports are marked as KS-101/92, KS-102/92 and KS-103/92. The cause of death is given as "police encounters".

Through its incident report form no. CCDP/01216, The committee has gathered the following information about Baljinder Singh. The main informant is the victim's father Jarnail Singh.

Twenty-two-year-old Baljinder Singh, alias Balli, r/o of Saido Lahil village, PO. Tarsikka under Mattewal police station in Baba Bakala sub-division of Amritsar district, was employed by a company called Nijjher Agro Food. He was a matriculate and had married Karamjit Kaur. They had a son who is now nine.

In 1990, he joined Nijjher Agro Food Company, located on Grand Trunk (GT) Road, near Jandiala Guru town. Baljinder's work involved travelling to villages to explain to farmers the benefits of the insecticides used by his company on vegetable crops, particularly tomato. The company had given him a scooter for the purpose.

Baljinder Singh used to drive his scooter to work daily morning and return home in the evening.

On 2 August 1991, Baljinder Singh and the personal security officer attached to his company's owner, a Punjab police constable, were going on his scooter to a village for work. Unknown to him, a militant leader, Manohar Singh, was also driving a scooter ahead of him. When identified at a police checkpost, Manohar committed suicide by consuming cyanide. The police officials, out of suspicion, arrested Baljinder Singh and his companion, who was actually a Punjab police constable, when they came driving down to the post just as Manohar Singh consumed cyanide.

Many people who witnessed this became agitated, and soon there was a huge crowd outside Jandiala Guru police station demanding the release of Baljinder Singh and his companion. When the police did not respond, the crowd decided to block the highway, the Grand Trunk road connecting Amritsar and Delhi. A number of Baljinder's family members also joined the agitation. The police decided to use force to break up the crowd and after a lathi-charge, opened gunfire. They killed three persons and injured several others. Baljinder's cousin Darshan Kaur, who was married into a family in village Gehri Mandi, was also injured.

Later, the police implicated both Baljinder Singh and his companion Jagtar Singh in a case under TADA. Both were jailed for eight months and then released on bail. Soon after, Baljinder got married to Karamjit Kaur on 10 October 1992.

On 10 November 1992, exactly a month after their marriage, a large police force of approximately 50 men, led by DSP Gurmeet Singh of Tarn Taran (as the family later found out), raided the farm house owned by Baljinder's father, Jarnail Singh. The raid took place between 8 p.m. and 9 p.m. Baljinder Singh was also at home. DSP Gurmeet Singh said that he needed to take Baljinder along to identify some militants who they had arrested. The DSP promised to release him the next morning. But before taking Baljinder with him, he requested his father to get some food cooked for all the policemen who, according to him, had been on duty the whole day and were hungry. Cooking for so many took some time. After eating their dinner, the DSP and his men left with Baljinder Singh.

DSP Gurmeet Singh had not disclosed where they planned to take Baljinder to identify the arrested militants. The next morning, the family members and other eminent persons of the village first went to Mattewal police station. Not finding Baljinder there, they went to Mall Mandi interrogation center and then to B. R. Model School interrogation center in Amritsar. But Baljinder was not to be found in any of these places. They met SSP Paramjit Singh Gill who told them that Amritsar police was involved in the arrest and Baljinder was not in his custody.

On 13 November 1992, Jarnail Singh, accompanied by several members of the village council, went to Tarn Taran and there they found out that the police had arrested some persons and brought them to Tarn Taran. Jarnail Singh recognized some of the policemen who had eaten at his farm house before taking his son away. He was convinced that the police had detained Baljinder at Tarn Taran.

Jarnail Singh then contacted Ajit Singh Bains, former judge of the Punjab and Haryana High Court, who was now heading the Punjab Human Rights Organization. Bains issued a statement demanding the release of Baljinder Singh from illegal custody. Several newspapers carried the statement on 13 November 1992.

On 15 November 1992, Baljinder Singh, Rajinder Singh and Raghbir Singh were

declared killed in an encounter that supposedly happened near village Sehbazpur between a group of militants and Tarn Taran police. Director general of police (DGP) KPS Gill, accompanied by the SSPs of Amritsar, Tarn Taran and Majitha police districts and the deputy inspector general (DIG) (border range), D. R. Bhatti, addressed a press conference claiming that early morning at 4:30 a.m. DSP Gurmeet Singh of Tarn Taran police killed three militants in an encounter at a police checkpost set up near village Sehbazpur. The DGP further said that the three militants were in a Canter and had been signaled to stop. The police already had information that the militants had stolen the vehicle from the Tarn Taran bypass and were heading this way. The police force retaliated when the militants opened fire, and in the resulting exchange, killed the three militants. They were identified as: [1] Rajinder Singh, alias Amolak Singh, r/o Rumana Chakk, under PS Mehta; [2] Rajbir Singh alias Raju, r/o Dhamana; and [3] Baljinder Singh, r/o Saido Lahil. The DGP blamed these terrorists for hundreds of murders, including the relatives of Master Jagir Singh, the transport minister in the Punjab government. The DGP also claimed to have recovered a large number of sophisticated weapons from the vehicle: 10 AK-47 rifles, one AK-74 rifle, 17 plastic bombs, 30 detonators, 25 magazines and 925 cartridges.

On 16 November 1992, all Punjab newspapers prominently reported the DGP's press conference.

However, on November 17, the Punjabi daily *Ajit* published a report questioning the truthfulness of the DGP's claims. The report's caption asked, "Was Baljinder Singh killed in a police encounter?" The story gave the background of his previous arrest and pointed out that that he had been arrested from his father's farm house four days before the alleged encounter.

The police carried out the cremations without informing the families. The families could not even collect the ashes.

210. Under serial no. 257/916, the list identifies the cremation of Resham Singh, s/o Kabul Singh, r/o Chulkhona, carried out by Teg Bahadur Singh of Bhikhiwind police station on 23 November 1992, under FIR no. 78/92. The post-mortem report is marked as KS 110/92. The cause of death is recorded as "police encounter".

The CCDP has gathered the following information about this case through its incident report form no. CCDP/01683. The main informant is the victim's father Kabal Singh.

Twenty-year-old Resham Singh, son of Kabal Singh and Veer Kaur, was a resident of Doohal Naur village [wrongly identified as Chulkhona by the CBI's list], post office Mastgarh, under Khemkaran police station, in Patti sub-division of Amritsar district. Resham was married to Sukhwinder Kaur and had a daughter Mandeep Kaur who is now 10.

Resham's elder brother was a militant. The Bhikhiwind police arrested and killed him in July 1991 outside Gurdwara Baba Deep Singh in Bhikhiwind town. The police carried out his cremation without informing the family. Kabal Singh's family had suffered much harassment because of Kashmir Singh. The police had repeatedly arrested and tortured Kabal Singh and his remaining five sons. They continued to raid his house and hold him and his sons in illegal detention for prolonged periods even after they killed Kashmir Singh.

In the beginning of November 1992, Resham Singh was called to the army camp headquarters at village Bhoore Kohne where he was interrogated for 10 days. Apparently, the army officials responsible for his interrogation were satisfied about his lack of involvement in militant activities and released him from custody the evening of 14 November 1992. Kabal Singh went to the army camp and brought his son back home.

A large group of police officers, led by SHO Sukhchain Singh of Khemkaran police station, was waiting at the house when Kabal Singh and his son Resham Singh returned home. The police arrested both of them and took them to Khemkaran police station, locking them up separately. For the next seven to eight days, Kabal Singh could hear his son screaming under brutal torture. Once Kabal Singh saw him when some policemen were carrying him away apparently after a session of interrogation under torture. Resham appeared totally unconscious. Kabal Singh also remained in illegal police custody. But the police neither interrogated nor tortured him.

In the evening of 22 November 1992, SHO Sukhchain Singh took Resham Singh away in a police vehicle. The next day, the local AIR station announced the killing of Resham Singh, along with another unidentified militant, in an encounter. After listening to the radio report, members of the village council rushed to Khemkaran police station and spoke to SHO Sukhchain Singh who told them, “the inevitable had to happen” and that they “should be satisfied to take Kabal Singh back alive”. The police released Kabal Singh from custody that day.

Following his release, Kabal Singh and other members of his family went to the Patti cremation ground to collect Resham’s ashes.

The CBI’s unidentified list, Under serial no. 558/917, shows that SHO Teg Bahadur Singh of Bhikhiwind police station cremated an unidentified body on the same day under FIR no. 78/92. The post-mortem report is marked as KS-110/92.

211 - 212. Under serial nos. 258/918 and 259/919, the list shows two cremations carried out SHO J. S. Sidhoo of Jhabhal police station on 28 November 1992, under FIR no. 116/92. They are of: [1] Baljit Singh, alias Toti, s/o Ram Singh Jat, r/o Tojra; and [2] Karamjit Singh, s/o Dhan Singh Jat, r/o Tojian. The post-mortem reports are marked KSA-33/92 and KSA-34/92. The cause of death is given as “encounter”.

The CCDP has gathered the following information through its incident report form no. CCDP/00547 and 01630. The main informants are the victims’ fathers Ram Singh and Daan Singh.

Twenty-year-old Baljit Singh, son of Ram Singh and Tasvir Kaur, was a college graduate resident of Bhujrawala, post office Jhabhal Kalan in Tarn Taran sub-division of Amritsar district. He was unmarried and helped his father with the agricultural work. Once in 1990, the Tarn Taran police had illegally detained and interrogated Baljit on the suspicion that he had links with militants. But they released him after an interrogation and inquiry.

Karamjit Singh, son of Daan Singh and Bir Kaur, was a 13-year-old school boy from village Bhojia, under Jhabhal police station, in Tarn Taran sub-division of Amritsar district. All of the members of his family were baptized Sikhs and had no history of conflict with the authorities.

According to Karamjit's father Daan Singh, some militants came to his house on 26 November 1992 and asked him to deliver a sealed letter to Darshan Singh, the head of the village council of Kot Dharam Chand Khurd. Fearful of the militants, Daan Singh let his son Karamjit carry the letter to its addressee who, however, overpowered him and locked him up. Some time later, Darshan Singh's sons came to Daan Singh's house to find out if militants had come to his house and had used his son to act as their messenger. Daan Singh admitted that some militants had come to his house with a letter and had forced his son to deliver it. Darshan Singh's sons then went back after informing Daan Singh that they had captured Karamjit and intended to hand him over to the police.

Some hours later, Daan Singh, accompanied by several other persons from his village, went to Darshan Singh's house at village Kot Dharam Chand Khurd to plead with him to release his son. Darshan Singh told them to get the militants who had dispatched the letter arrested as a condition for his son's release. Darshan Singh argued that he did not know how to reach the militants, and went home empty handed.

The next day, Daan Singh went to Darshan Singh's house again along with several elderly people from his village to press him to release his son. Darshan Singh had already informed the Jhabbal police who, led by SHO Jagdeep Singh, arrived while they were still talking and arrested both Karamjit and Daan Singh. On the way to the police station, the SHO ordered Daan Singh to get out of the police vehicle and drove away with Karamjit Singh.

The same afternoon, the Jhabbal police, led by DSP Ashok Kumar, SHO Jagdeep Singh, SI Bikramjit Singh and constable Talwinder Singh arrested Baljit Singh from the Jhabbal bus stand when he was about to board a bus bound to Amritsar. The arrests were witnessed by Baljit's father Ram Singh and several shopkeepers in the area.

That same evening, the police killed both Baljit and Karamjit in an encounter faked at village Ahmadpur. By the time their families reached Jhabbal police station after reading a report about the encounter in the daily *Ajit* on 29 November 1992, the police had already performed their cremations.

213. Under serial no. 262/926, the list identifies the cremation of Jatinder Singh, s/o Darbara Singh Jat, r/o Mehmoodpura, carried out by SHO Govinder Singh of Valtaha police station on 7 December 1992, under FIR no. 63/92. The post-mortem report is marked as SLG 121/92. The cause of death is given as "police encounter".

The CCDP has gathered the following information through its incident report form no. CCDP/01543. The main informant is the victim's brother Balkar Singh.

Jatinder Singh, son of Darbara Singh and Joginder Kaur, was a 16-year-old boy, resident of Mehmoodpura village under Valtaha police station in Patti sub-division of Amritsar district. His father had died when he was very young, and he grew up in an emotionally unhappy home even as his older brother Balkar tried to manage the family farm. Since Punjab was a disturbed area, Jatinder's mother persuaded him to give up school while he was still in class VIII and move to Jammu where his sister lived. Her husband Gurmej Singh was a constable with the Border Security Force (BSF).

The police suspected that Jatinder had links with the militants and had been instrumental in getting some relatives of his brother-in-law Gurmej Singh, who lived in village Ghariali, killed. In early December 1992, a group of policemen led by SHO Govinder Singh of Valtoha police station, abducted Jatinder from his sister's house in Jammu. While his mother Joginder Kaur was trying to find an effective intervention to rescue him from the illegal custody of the Valtoha police, several Punjabi newspapers published a report, on 8 December 1992, about Jatinder Singh's killing in an alleged encounter with the police.

Joginder Kaur and her older son Balkar Singh were unable to do anything and are still being threatened by the police not to pursue the matter of Jatinder's abduction from Jammu and his killing in a fake encounter. Joginder Kaur also fears that her son-in-law Gurmej Singh could encounter difficulties if she complained about Jatinder's abduction from his house in Jammu.

214. Under serial no. 265/939, the list identifies the cremation of Heera Singh, s/o Ram Singh Jat, r/o Thathian, carried out by SHO Raghbir Singh of Harike police station on 20 December 1992, under FIR no. 55/92. The post-mortem report is marked as SLG 127/92 and the cause of death is stated to be "police encounter".

The committee has got the following information through its incident report form no. CCDP/01492. The main informant is the victim's mother Jagir Kaur.

Heera Singh, from Thathian Khurd, post office and police station Harike, in Patti sub-division of Amritsar district, was the younger brother of Manjit Singh who had been killed and cremated by the Harike police on 29 October 1992. Manjit's troubles and his end have been narrated above as case number 202.

Like his brother, 22-two-year-old Heera Singh also went to the Dam Dami Taksal for religious education and Sikh missionary work.

In the first week of December 1992, Heera Singh went to Thathian Khurd village to spend some time with the family. On 19 December 1992, around 10 a.m. Heera Singh went to the local gurdwara to offer his daily prayers and to participate in a ceremonial recital of the *Guru Granth Sahib*. Suddenly, SHO Raghbir Singh of Harike police led a large force to cordon off the village. The police instructed everyone to stay indoors and not to move out. In the course of the combing operation that followed, the SHO arrested Heera Singh and Sarabjit Singh of Dhotian village from the gurdwara. Sarabjit was also a Sikh religious missionary from the Dam Dami Taksal. The police took them out into the fields and shot them. Residents of the village, including Heera Singh's family members, who had been told to stay indoors, heard the gunfire. After killing the two boys, the police lifted the siege and left.

On 20 December 1992, Punjabi newspapers published a report about the killing of two militants in an "encounter" near the villages of Nathupur and Thathian.

The family members were not allowed to attend the cremation.

The cremation of Sarabjit Singh, s/o Dalip Singh from Dhotian village, Patti Samne Ki under Sarhalli police station in Tarn Taran sub-division of Amritsar district is included in the CBI's partially identified cremations, Under serial no. 106/938. His post-mortem report is marked as SLG-128/92. Sarabjit Singh's story is summarized in the relevant section of the report.

215. Under serial no. 266/942, the list identifies the cremation of Harbans Singh, s/o Santokh Singh Jat, r/o Rasoolpur, carried out by SHO Sarban Singh of Tarn Taran's Sadar police station on 25 December 1992, under FIR no. 83/92. The post-mortem report is marked as KSA 39/92 and the cause of death is given as "police encounter".

Through its incident report form nos. CCDP/01427 and 01355, The committee has gathered the following information. The main informant is the victim's brother Sawinder Singh.

Twenty-five-year-old Kabal Singh, alias Harbans Singh, from Rasoolpur Nehran, near Nehri Kothi in Tarn Taran sub-division of Amritsar district, joined the Punjab police in 1990 after completing his matriculation. He was unmarried.

After serving in the police for one-and-a-half years, Kabal Singh resigned. According to his brother Sawinder Singh, our informant, Kabal Singh was unable to tolerate the custodial torture of suspected militants and separatists and their elimination in fake encounters. His family members advised him to stay with the police, but he thought otherwise.

Soon, the police started harassing Kabal Singh's family members, asking them to produce him before them for interrogation. The police detained and tortured his father Santokh Singh and his younger brother Harbans Singh. Kabal Singh decided to go to Bihar. He got a job as a truck driver in Jamshedpur under the assumed name of Harbans Singh. Jamshedpur police found out that he was absconding from the Punjab police and that his real name was Kabal Singh. They arrested and jailed him, and informed the Tarn Taran police.

In the middle of December 1992, Kabal Singh was brought to Tarn Taran for investigation of his possible connections with militants. His father Santokh Singh and brother Harbans Singh were already in illegal custody and they were unable to do anything to save him.

On 25 December 1992, SSP Ajit Singh Sandhu announced his death in an alleged encounter. Speaking to the press, Sandhu claimed that the encounter took place when a group of policemen were returning to the police station after recovering arms and ammunition hidden by Kabal Singh, an arrested militant. According to the SSP, a group of militants led by Sarban Singh alias Shaheed, the chief of Bhindranwale Tigers Force, attacked the police vehicle escorting Kabal Singh. Sandhu said that the police retaliated, and in the exchange of fire that followed for two hours, Kabal Singh, Sarban Singh and one other unidentified militant were killed.

The cremation of Sarwan Singh, r/o Jawande, on 25 December 1992, Under serial no. 107/943 and FIR no. 83/92, requisitioned by SI Sarban Singh, SHO of Tarn Taran Sadar police station, is shown in the CBI's list of partially identified cremations. It is summarized in the appropriate section of the report. One more cremation on the same day, under the same FIR number and carried out by the same officer is included in the CBI's list of unidentified cremations Under serial no. 572/944 with post-mortem report number KSA-41/92.

Mohan Singh, father of Sarwan Singh, died from a heart attack six months later.

216 – 217. Under serial nos. 267/947 and 268/948, the list identifies two cremations carried out by SHO Teg Bahadur Singh of Bhikhiwind police station on 26

December 1992, under FIR no. 81/92. They are of [1] Sukhdev Singh, s/o Sunder Singh Jat, r/o Mohammad Khan; and [2] Harjinder Singh alias Doghar, s/o Harbans Singh, r/o Tangra. The post-mortem report numbers are marked as KS 116/92 and KS 115/92. The cause of death is given as “firearm injuries”.

Through its incident report form nos. CCDP/01275 and 01114, the CCDP has acquired the following information about these cases. The main informants are Sukhdev’s father Sunder Singh and Harminder’s mother Amarjit Kaur.

Nineteen-year-old Sukhdev Singh alias Sukha, the youngest son of Sunder Singh and Gurdeep Kaur, was a resident of village Kot Mohammad Khan, under Sarhalli Kalan police station, in Khadur Sahib sub-division of Amritsar district. He was a class IX student at the local government school and was unmarried. Sukhdev had three older brothers, Gurmel Singh, Jagmel Singh and Jagtar Singh. Jagmel was a constable with the Indo-Tibetan Border Police (ITBP).

In 1991, the police raided Sunder Singh’s house to arrest Sukhdev who, fearing torture, ran away. Over the next year-and-a-half, the family members suffered extreme harassment as the police regularly detained and tortured them. The police stole all of their household belongings, and also harvested the standing crop of paddy. The police prohibited Sunder Singh’s family from cultivating their land.

On 26 November 1992, around 11: 45 a.m. Sukhdev and Jagmel, the ITBP constable, were waiting at Amritsar railway station for a train to Bareilly in Uttar Pradesh.



Sukhdev Singh

Their elder brother Gurmel Singh, who had come to see them off, was also with them. Suddenly, two policemen in plain clothes pounced on Sukhdev who was standing between the two brothers. Very quickly, a larger group of policemen appeared and took Sukhdev into custody. The police officials also ordered Jagmel to come along. Both of them were immediately blindfolded and driven for 45 minutes to some place. On the way, the policemen kept beating Sukhdev with their rifle butts. When they reached their destination the police separated Jagmel and Sukhdev Singh and locked them up in different rooms. Jagmel, still blindfolded, was interrogated when he revealed himself to be a constable of the ITBP. The following night,

the police pushed him into a police vehicle, blindfolded him, and drove him back to Amritsar city and asked him to get off the vehicle when they reached near the Guru Nanak Hospital. Later on it was established that the both of them had been taken to the CIA staff interrogation center at Tarn Taran. During his detention there, Jagmel heard his brother groaning in severe pain.

Meanwhile, Sukhdev’s parents Sunder Singh and Gurdeep Kaur, his brother Jagtar Singh, his maternal uncles and aunts and several other relatives were already in illegal police custody at various police stations in Tarn Taran. Sunder Singh had already spent eight months in a police cell. Jagmel was scared of losing his job and promptly after his release reported to his unit for duty. Gurmel was alone and could not do anything to help.

Sukhdev was detained illegally at the CIA staff interrogation center in Tarn Taran

for one month after his abduction and interrogated under brutal torture. He was killed along with Harjinder Singh and four other unidentified men early morning on 26 December 1992, in an encounter orchestrated near village Sur Singh Wala. SSP Ajit Singh Sandhu issued a statement to claim that the encounter, which resulted in the killing of six militants, occurred when the police force raided the house of Jaswant Singh where the militants had taken shelter. The SSP also claimed that the police force, comprising SSP Ajit Singh Sandhu, SP (operations) Khubhi Ram, DSP Paramdeep Singh Teja of Bhikhiwind and SHO Teg Bahadar Singh of Bhikhiwind police station, had to use bulletproof vehicles to neutralize the firing from the militants and claimed to have recovered several sophisticated weapons from the site of the encounter. Several newspapers published the statement prominently on 27 December 1992.

Twenty-five-year-old Harminder Pal Singh's name is incorrectly recorded by the CBI as Harjinder Singh. Harminder Pal, son of late Harbans Singh and Amarjit Kaur, was a resident of village Tangra, under Khalchian police station, in Baba Bakala sub-division of Amritsar district. In 1990, while Harminder Pal was in the third year of the mechanical engineering degree course at Mehar Chand Polytechnic College, the Kapurthala police raided his house. Harminder Pal used to return home every evening after college, but after the police raid, he ran away from home.

After Harminder Pal left, the police detained his father Harbans Singh, his elder brother, and his grandfather Kishan Singh many times. His family put pressure on Harminder Pal to go to the police, but fearing that the police would kill him, Harminder joined the militants. The family learnt of his death from newspapers reports on 27 December 1992.

The police carried out the cremations without informing the families. According to Sunder Singh, the three persons cremated as unidentified were from Dall village. In addition, the police killed Davinder Singh alias Gurinder of Aggarpura village in Patti sub-division of Amritsar district. The CBI's list of unidentified cremations, Under serial nos. 573/945, 574/946, 575/949 and 576/950, records the four other cremations carried out by SHO Teg Bahadur Singh of Bhikhiwind police station on 26 December 1992 under FIR no. 81/92. Their post-mortem report numbers are KS-117/92, KS-118/92, KS-119/92 and KS-120/92.

218. Under serial no. 269/951, the list identifies the cremation of Anokh Singh, s/o Jaswinder Singh Jat, r/o Uboke carried out by the inspector of Verowal police station on 27 December 1992, under FIR no. 54/92. The post-mortem report is marked as OPG 49/92. The cause of death is mentioned as "bullet injuries".

Through its incident report form no. 01481, the CCDP has gathered the following information about the case. The main informant is Avtar Singh, the victim's uncle.

Thirty-three-year-old Anokh Singh from Uboke village, post office Bahmani Wala, Lehndi Patti under Patti sub-division of Amritsar district, had actively participated in the agitation launched by the Akali Dal in 1982 for the implementation of the Anandpur Sahib resolution. He admired Jarnail Singh Bhindranwale, head of the Dam Dami Taksal, who represented the spirit of no compromise. After the storming of the Golden Temple by the Indian army in June 1984, Anokh was arrested and sent to Jodhpur jail where he remained until the beginning of 1990.

Following his long incarceration, Anokh Singh stayed at home and did not participate in the politics of the period. The police continuously harassed him, raiding his house, humiliating his family members and suspecting him of maintaining militant connections. Fearing torture, Anokh Singh went underground and joined the militant ranks. His father Jaswinder Singh, who had retired from the Indian army, went away to Mumbai with his wife and other children to keep them away from the Punjab police. There he bought a truck and began earning his living as a transporter.

On 27 December 1992, newspapers published a report about Anokh Singh's death in an alleged encounter that had taken place at village Bhail near Dhahe Wala. Jaswinder Singh was informed about it later by his relatives in Punjab who read the report.

219 – 222. Under serial nos. 270/952, 271/953, 272/954 and 273/956, the list identifies four cremations carried out by SHO Govinder Singh of Valtoha police station on 29 December 1992 under FIR no. 67/92. Names of those cremated are: [1] Gursewak Singh, s/o Major Singh, r/o Gadika; [2] Gurbachan Singh, s/o Amar Singh, r/o Mudki; [3] Inder Singh, s/o Jagir Singh, r/o Dhavwal; and [4] Yedwinder Singh alias Goldee, s/o Amrik Singh Jat, r/o Harike. The post-mortem reports are marked as SLG 130/92, SLG 131/92, 132/92 and SLG 134/92. The cause of death in all cases is given as “police encounter”.

The CCDP has acquired the following information through its incident report form nos. CCDP/00484, 01578 and 01570. The main informants are Jagir Singh, the father of Yadwinder Singh; Mukhtiar Singh, the maternal uncle of Gursewak Singh; and Ninder Singh's father Jagir Singh.

Twenty-three-year-old Yadwinder Singh alias Goldy, son of Angrez Singh and Parkash Kaur, was a resident of Harike Pattan, on Tarn Taran road, under Harike Pattan police station, in Patti sub-division of Amritsar district. He was a student and was unmarried.

Twenty-two year-old Gursewak Singh, son of Major Singh and Charan Kaur, was a baptized young Sikh from Gadai Ke, post office Budha Kot in Patti sub-division of Amritsar district. He, together with his four brothers, worked on his family farm. Gursewak was unmarried and had no affiliation with the militants. However, one of his cousins Ranjit Singh, s/o Mukhtiar Singh of Valtoha, was involved in the militancy and the police used to harass his family members because of that connection.

Ninder Singh was the actual name of the person identified in the CBI's list as Inder Singh. Son of Jagir Singh and Darshan Kaur from Dhariwal village under Patti sub-division of Amritsar district, Ninder Singh was an 18-year-old *Mazhabi* Sikh who was a farm worker. He was unmarried and had no political or militant links.

In 1992, Ninder's cousin Harjit Singh, a constable with the Punjab police, helped him get a job as a cook at Jhabbal police station for a salary of Rs. 1,000 a month. One day, early December 1992, by when Ninder had put in five months working as a cook for the Jhabbal police, the SHO of Valtoha police raided his house to take Ninder Singh for interrogation. But Ninder Singh, because of his job, was at Jhabbal. The SHO of Valtoha police station decided to take his mother Charan Kaur into custody, as a hostage, and asked his family members to produce Ninder for an interrogation. A day later, Jagir Singh, together with members of the village council, produced

Ninder Singh before the SHO of Valtoha police station who then released Charan Kaur from illegal custody. At the same time, the SHO demanded Rs. 10,000 for Ninder's release. This was a large sum of money for a family of farm workers. Nevertheless, Jagir Singh promised to raise the money soon. Three days after his arrest, Jagir Singh brought his son back home after promising the SHO that he would pay him the money within 10 days. But Jagir Singh failed to do so.

After two weeks, the Valtoha police, led by the SHO, raided Ninder's house again and took him away. The same day, Jagir Singh and other members of the village council met the SHO who wanted him to fulfill the commitment of paying Rs. 10,000. Jagir Singh raised the money by selling all the gold jewelry and ornaments belonging to his wife. On the fourth day, he was ready to pay the SHO, but by then Ninder Singh, along with four others, had been killed in an encounter.

On 2 December 1992, Yadwinder Singh and six other boys had been produced before an army officer at the Harike Rest House, Lakha Singh Marar. They were released after interrogation. On 25 December 1992, SHO Raghbir Singh and two of his gunmen abducted Yadwinder from Harike Chowk. The next day, the family and the Harike panchayat met the DSP of Patti who refused to listen to them.

Gursewak Singh was one of the four others who were shown killed in the same encounter. He had gone to attend a religious function at Gurdwara Jhar Sahib, along with several people of his village, and was on his way back home when the Valtoha police arrested him. Three days after the arrest, Gursewak was shown killed in an encounter with the police near Varnala village. Several newspapers covered the encounter prominently on 29 December 1992.

Ninder Singh's father went to the civil hospital at Patti and managed to see the body of his son. He had been shot in the forehead.

According to Jagir Singh, Gursewak's cousin Ranjit Singh, s/o Mukhtiar Singh of Valtoha, Deol Patti, was arrested from Anandpur and killed in a separate incident of a fake encounter.

Ninder Singh's mother Darshan Kaur was unable to bear the shock of her son's death and became bed-ridden. She died, according to her brother Mukhtiar Singh, from the grief and shock four years later.

223 – 225. Under serial nos. 274/967, 275/958 and 276/959, the list identifies three cremations, that of [1] Aroodh Singh, s/o Kam Singh Jat, r/o Manochahal; [2] Resham Singh, s/o Tara Singh Jat, r/o Koharke; and [3] Ram Singh, s/o Moora Singh, r/o Sur Singh, carried out by SHO Jagdeep Singh of Jhabbal police on 29 December 1992 under FIR no. 120/92. The post-mortem reports are marked as KK 71/92, KK 72/92 and KK 74/92. The cause of death is given as “bullet injuries”.

Through its incident report form nos. CCDP/00543, 00726 and 00795, The committee has acquired the following information about these cases. The main informants are Jasbir Kaur and Sawinder Kaur, the widows of Aroodh Singh and Ram Singh, respectively, and Resham Singh's father Tara Singh.

Fifty-five-year-old Aroor Singh, s/o late Bhamma Singh, was from Manochahal Kalan village, Mamo Ki Patti under Jhabbal police station in Tarn Taran. Married to Jasbir Kaur with six adult children, Aroor Singh was an employee of the Sikh Gurdwara Management Committee (SGPC).



Resham Singh

As an orthodox, baptized Sikh working for the SGPC, Aroor Singh was considered a suspect and had been picked up by the Khalra police for a serious round of interrogation in December 1992. The police also questioned him about an incident in May 1992 in which some armed unidentified persons had taken away his Mahindra tractor. Finally, SHO Suba Singh released him after receiving a bribe of Rs. 30,000.

Soon after Aroor's release from the illegal custody of Khalra police, SI Raj Kumar, SHO of Manochahal police station, and his subordinate ASI Nachhatter Pal came to his house again on 12 December 1992 when Aroor Singh had gone out for SGPC work. The police

told the family members that Aroor Singh should report to Manochahal police station when he returned.

On 15 December 1992 morning, Aroor Singh went to the police station along with several well-known and respectable elders of the village. SHO Raj Kumar told them that they had found Aroor Singh's stolen tractor and needed him to identify it. He said that Aroor Singh would be released in the evening and that they could come back to collect him. In the evening, the head of the village council and several other elders accompanied Aroor Singh's wife Jasbir Kaur to the police station. SHO Raj Kumar told them that they could not release Aroor Singh yet. But he asked Jasbir Kaur to bring her husband a quilt since it was very cold and the police post did not have blankets to spare.

The next morning when she went back to the police post, ASI Nachhatter Pal told her to bring some food for Aroor Singh and promised to let her meet him. She came with food and met her husband who was in very bad shape because of torture. Early next morning, around 5 a.m. Jasbir Kaur went to the police post again and saw Aroor Singh being taken out to the toilet. She saw that both his arms had been broken. Aroor Singh told his wife to pursue his case vigorously, "otherwise, they will kill me", he pleaded.

On 18 December 1992, Jasbir Kaur went to the police post to discover that her husband was no longer there. She learnt that he had been sent to the CIA interrogation center at Tarn Taran. Jasbir Kaur along with members of the village council went to the CIA interrogation center, but were neither able to see her husband nor get any definite information about him. The village council members then approached SSP Ajit Singh Sandhu through a person known to be close to him. The SSP demanded Rs. 150,000 for Aroor Singh's release and wanted his wife to see him along with the money. After some effort, Jasbir Kaur raised the money and met Sandhu at his office 28 December evening. Sandhu took the money and asked her to collect her husband from Jhabbal police station the next morning.

On 29 December 1992, Jasbir Kaur, several family members and village elders went to Jhabbal police station. SHO Jagdeep Singh told them that there was no one with that name in his custody, but as there had been an encounter the last night on the canal at village Dode, in which four militants had been killed, they should go to Tarn Taran civil hospital and verify if Aroor Singh was among them. By then someone had acquired the day's newspaper that carried a report about the encounter. The

report identified Aroor Singh as one of the militants killed. The main Punjabi newspapers, *Ajit*, *Jagbani* and *Punjabi Tribune* prominently reported the encounter.

Jasbir Kaur and others then went to Tarn Taran civil hospital and recognized Aroor Singh's body. They were not allowed to attend the cremation.

The newspaper reports identified two others, Resham Singh and Ram Singh, killed in the same "encounter".

Resham Singh, s/o Tara Singh, was an unmarried young farmer from Kuharka village, post office Shahbazpur, Patti Harie Ki under Patti police station. He had no political or militant background and had never been arrested before.

Early 11 December 1992 morning, ASI Nachhatter Pal of Manochahal police post came to the house and arrested Resham Singh when he was feeding his farm cattle. Resham Singh started screaming as they dragged him into a vehicle, waking his neighbours. They approached the ASI and pleaded with him not to take Resham Singh since he was not involved in any crime. The police officer told them that Resham Singh was under suspicion, but would be released if the village elders testified. He asked them to come to Manochahal police post.

Few hours later, Tara Singh along with all of the members of the village council went to Manochahal police station. They were told that ASI Nachhatter Pal and SHO Raj Kumar had taken Resham Singh away for some investigation. Everyone waited till late afternoon and then decided to meet Master Jagir Singh, then transport minister in Beant Singh's government. Jagir Singh promised to personally accompany them to meet SSP Ajit Singh Sandhu and get Resham Singh released.

Around 10.30 a.m. on 12 December 1992, Tara Singh and all the village elders reached SSP Tarn Taran's office. Jagir Singh came there at 11 a.m. and introduced Tara Singh and his companions to the SSP who told them that he had already sent a wireless message to Manochahal police station ordering Resham Singh's release. He asked Tara Singh to go there and pick up his son.

Tara Singh and his companions then went to Manochahal police station and saw that Resham Singh was sitting on the floor within the compound of the police station and was crying. No one was allowed to talk to him. Just then DSP Ashok Kumar arrived and asked Tara Singh and his companions about the purpose of their visit. They told him about their meeting with the SSP and his instructions to take Resham Singh from Manochahal police station with them. After hearing them out, DSP Ashok Kumar and SHO Raj Kumar stepped aside to discuss the matter and then asked Tara Singh to first pay Rs. 25,000. Tara Singh pleaded with them not to impose this burden on him as he was poor and was facing financial problems. A deal was then settled for Rs. 20,000. The same day, Tara Singh sold two of his sturdy buffaloes and paid Rs. 20,000 to SHO Raj Kumar who then asked him to take Resham Singh back after six or seven days since he needed to recover from his torture to be able to walk again. Raj Kumar allowed Tara Singh to give some bread and tea to Resham Singh who said that his torturers had been threatening to kill him unless he sold his share of the land and paid them the proceeds. Tara Singh told him not to worry since he had already got the assurance from the SSP in the presence of a minister in the Punjab government. Besides, he had just paid Rs. 20,000 to SHO Raj Kumar, who now asked Tara Singh and his companions not to come to the police station too often, promising to release Resham Singh as soon as he became fit enough to walk.

But the police did not release Resham Singh. Tara Singh and other village elders

continued to visit him at Manochahal police station over the next 16 days. The police continued to torture Resham Singh and SHO Raj Kumar justified it by saying that it was the minimum necessary duty he had to perform to fulfill the orders of his superiors. But he kept assuring Tara Singh that Resham Singh would be released.

On 29 December 1992, Tara Singh read the report about the killing of four militants in an encounter at village Dode. Resham Singh's name was also mentioned in the report. Tara Singh, along with several village council members, rushed to Manochahal police station immediately after reading the newspapers. SHO Raj Kumar who was present there in an inebriated condition, started abusing Tara Singh and others. When reminded of Rs. 20,000 which he had taken to save Resham Singh's life, Raj Kumar said that he had taken the money as the price for returning his body to them. He asked them to collect the body from the civil hospital in Tarn Taran.

At the hospital, DSP Ashok Kumar and SI Nachhatter Pal abused Tara Singh and ordered him to immediately return to his village. The police carried out the cremations.

In the night on 29 December 1992, DSP Ashok Kumar, SHO Raj Kumar and SI Nachhatter Pal, along with a large police force, came to Tara Singh's house and told him that if he initiated any legal action, he and other members of his family would meet Resham Singh's fate.

Tara Singh did not take any action. He has since become mentally unstable. His younger son, Nirvail Singh and his wife died under trauma sometime after Resham Singh's murder.

The third identified person reported killed in the same "encounter" and cremated on 29 December 1992 was Ram Singh, s/o Late Gura Singh, a 32-year-old farmer with a wife and five children, who lived at village Sur Singh Wala, Patti Mana Ki, under Bhikhiwind police station in Patti sub-division of Amritsar district.



Ram Singh

From early 1990, the police began to suspect the family of sheltering and feeding militants. In February 1990, Ram Singh was arrested and jailed. In March 1990, DSP Paramjit Singh, in-charge of the police post at Sur Singh Wala, arrested Ram Singh's father Gura Singh from his house. Gura Singh disappeared. Ram Singh was released on bail three months after his father's disappearance. But the police continued to raid his house, picking up various members of the family, including women, for interrogation and torturing them in police custody.

One day in late October 1990, DSP Paramjit Singh Teja came into the village with a large police force and had all male residents gather in the high school building. Many young men, including Ram Singh, were arrested for routine interrogation and taken to the CIA staff interrogation center at Tarn Taran. Ram Singh was brutally tortured by SSP Ajit Singh Sandhu and SP (operations) Khubi Ram. Later, he was transferred back to Jhabbal police station where SHO Suba Singh registered a case against him under the Arms Act and TADA. Ram Singh was lodged at Amritsar's high security prison from 1 January 1992 to 28 December 1992.

On 28 December 1992, Jhabbal police station obtained a production warrant for Ram Singh and brought him for interrogation from Amritsar jail. It appears that the local magistrate did not confirm his police remand until very late in the evening. However, the reported encounter near Dode village in which Ram Singh, along with Aroor Singh, Resham Singh and another unidentified militant, got killed was shown to have taken place at 6:30 in the evening. The local television and radio channels began to announce the encounter in their bulletins after 7:30 p.m.

Sawinder Kaur, Ram Singh's widow and our informant who now looks after her five children and a 70-year-old mother-in-law wants that the truth about what really happened should be established.

The CBI's list of unidentified cremations, Under serial no. 577/960, shows that SHO Jagdeep Singh carried out yet another cremation on December 29 with reference to the case under FIR no. 120/92, with post-mortem report number KK-73/92.

226 – 227. Under serial nos. 277/961 and 278/962, the list identifies two cremations on 31 December 1992. Those cremated are: [1] Inderjeet Singh, s/o Gurnam Singh, r/o Sakhira; and [2] Gurpreet Singh, s/o Gurbakhsh Singh, r/o Govind Pura, carried out by SHO Swaran Singh of Tarn Taran's Sadar police station under FIR no. 84/92. The post-mortem reports are marked as GSD 81/92 and GSD 84/92 and the cause of death is mentioned as "police encounter".

Through its incident report form no. CCDP/01445 and 01687, the CCDP has acquired the following information about these cases. The main informants are Inderjit's father Gurnam Singh and Gurpreet's father Gurbakhsh Singh.

Inderjit Singh was a 20-year-old unmarried boy from village Sakhira, Patti Bakhtiwala, under Tarn Taran Sadar police station. His father Gurnam was a small farmer, but managed to send Inderjit to school till matriculation. Inderjit was an emotional and religious minded boy. While in school, he had developed contacts with the militants as a result of which the police started raiding his house. Hoping to spare his family from harassment, Inderjit decided to go underground. The police, instead, increased their pressure on his relatives, regularly abducting and torturing them under interrogation. The police stole all their household articles and finally burnt their village house down. For nearly two years, the family had to live in hiding.

Thirty-four-year-old Gurpreet Singh, son of Gurbakhsh Singh and Sawinder Kaur, resident of Margindpura, Patti Lambian Di, under Bhikhiwind police station, in Patti sub-division of Amritsar, was a farmer married to Rajinder Kaur. Their only son Jagjit is now at least 10.

One of the four brothers, Gurpreet was an Amritdhari Sikh who began to associate with members of the Sikh Students Federation and other groups involved with the armed resistance after the army's 1984 attack on the Golden Temple. The police had arrested and interrogated him under torture a number of times and also booked him in several cases under TADA. In October 1992, when the police started to pick him up illegally after his release from jail on bail, Gurpreet left his home and began to live with his relatives at Chandigarh.

Around 13 December 1992, Tarn Taran police led by SP (operations) Khubi Ram raided a house in the town of Baba Bakala where Inderjit Singh and Gurpreet Singh were temporarily staying. Before raiding the house and arresting them, the police

had picked up some Inderjit's relatives who gave him shelter. Inderjit's parents came to know about the arrest but could not do anything to pursue his case since they themselves were hiding. Thirteen days after the arrests, on 1 January 1993, Punjabi newspapers published a report about an encounter in which five militants, including Inderjit Singh and Gurpreet Singh, had been killed. The other three were described as unidentified. The family was not even able to collect Inderjit's ashes.

Gurpreet's family members reached Tarn Taran cremation ground after reading the newspaper report on 1 January 1993 only to discover that the police had cremated all five bodies on a single pyre.

The CBI's List of unidentified cremations shows three cremations on 31 December 1992, Under serial nos. 578/963, 579/964 and 578/965, carried out by SHO Swaran Singh of Tarn Taran Sadar police station in the case registered under FIR. no. 84/92. The post-mortem reports are marked as GSD 78/92, GSD 79/92, and GSD 80/92.

228 - 229. Under serial nos. 279/966 and 280/967, the list identifies two cremations carried out by SI Govinder Singh of Valtaha police on 13 January 1993, under FIR no. 5/93. They are of: [1] Baghicha Singh alias Khalsa, s/o Sawinder Pal Singh Jat, r/o Kalian Sikattra; and [2] Gurmej Singh alias Jeija, s/o Swarn Singh Jat, r/o Valtaha. The post-mortem reports are marked as SLG 4/93 and SLG 3/93 and the cause of death is given as "police encounter".

The CCDP has gathered the following information about Gurmej Singh through its incident report form no. CCDP/01563. The main informant is the victim's father Swaran Singh.

Gurmej Singh, son of Swaran Singh and Mohinder Kaur, was a 20-year-old unmarried farmer from village Valtaha, Deol Patti, in Patti sub-division of Amritsar district. In 1992, the police had abducted and disappeared his uncle Dalbir Singh.

On 2 January 1993, the Valtaha police, led by the SHO, arrested Gurmej Singh from a farmhouse at village Telian Wala Bara and killed him in a fake encounter along with Bagicha Singh, s/o Salwinder Pal Singh of Kalsian Kalan village.

230. Under serial no. 281/968, the list identifies the cremation of Kulwant Singh, alias Nishan Singh, s/o Kundan Singh, r/o Sarhalli Mand, carried by ASI Teg Bahadur Singh of Bikhiwind police station on 27 January 1993 registered under FIR no. 02/93. The post-mortem report is marked as SLG-06/93 and the cause of death is mentioned as "police encounter".

The committee has gathered the following information about this case through its incident report form no. CCDP/01497. The main informant is the victim's mother Sawinder Kaur.

Nishan Singh, alias Kulwant Singh, resident of Sarhalli Manda, Patti Manne Ki under Patti sub-division of Amritsar district, was a modestly well-to-do young farmer married to Harjinder Kaur and had two young sons, now 12 and 10. Together with his younger brother Satnam Singh, he owned more than 18 acres of irrigated land which gave them a good income. Nishan Singh and Satnam Singh had three sisters: Manjit Kaur, Sarabjit Kaur and Harjit Kaur.

Although Nishan Singh himself was a baptized Sikh, many in his family had

associated themselves with the Namdhari sect of Sikhism viewed generally by Akali Sikhs as being pro-Indian establishment. Militants had killed his father Kundan Singh on 17 March 1988, probably because of his religious inclination, and while trying to save him from the attackers, his sister Manjit Kaur had been seriously wounded, succumbing to her injuries a month later.

Baffling as it may seem, the police began to suspect Nishan Singh, Kundan Singh's own son, ostensibly because he was an orthodox, baptized Sikh. The police detained and tortured him a number of times under interrogation. According to Nishan Singh's mother Sawinder Kaur, her husband's brothers and their families were jealous of Nishan Singh and his younger brother Satnam Singh's prosperity and were probably responsible for fueling these suspicions. As police atrocities became very regular and intolerable, Sawinder Kaur sent her younger son Satnam to live in the headquarters of the Namdhari sect at Bhaini Sahib in Ludhiana district. Nishan Singh left home to become a militant.

The police now abused Sawinder Kaur and two of her remaining daughters. Fearing torture and sexual abuse, they too left home and went into hiding. The police confiscated all their household goods and cattle: Six buffaloes, one wheat harvesting machine, one tractor, three electric tube-well motors, 100 quintals of wheat and even furniture.

Once in October 1992, Sawinder Kaur came back to her village to clean her house and to make some arrangements for the cultivation of her land. Her younger son Satnam Singh and her son-in-law Prem Singh, s/o Dara Singh, r/o Taje Chakk, had also come along to help her. In the night, Satnam Singh and Prem Singh went to sleep on the roof and Sawinder Kaur slept in the courtyard. After midnight, the police raided the house and arrested both Satnam Singh and Prem Singh. They were taken away in their nightdresses. Prem Singh returned a month later to tell her that the police had taken them to Kairon police post and its in-charge, Naurang Singh, had tortured them brutally for several days. Both of them had been locked up in the same room, but when Satnam Singh's condition under torture became critical, he was lifted into a police vehicle and taken away. Satnam Singh has since disappeared. Apparently, he was killed in an orchestrated encounter and his body cremated by the police without the family's knowledge. His cremation was carried out by SHO Govinder Singh of Valtaha police station on 17 October 1992 mentioned in FIR no. 58/92. It is recorded in the CBI's list of identified cremations Under serial no. 245/884. The post-mortem report is marked as SLG-106/92 and the cause of death is given as "police encounter".

In the middle of January 1993, Nishan Singh, alias Kulwant Singh was arrested from his sister Harjit Kaur's house on Pahuwind road in Bhikhiwind by SHO Suba Singh of Khalra police station. SHO Suba Singh took Nishan Singh to Bhikhiwind police station.

The next morning, Sawinder Kaur, her brother Gurdeep Singh and several village elders met SHO Suba Singh to request him to release Nishan Singh or produce him before a court. Suba Singh first demanded Rs. 100,000, but soon increased the demand to Rs. 700,000. Sawinder Kaur could not have raised this money without selling all of her possessions, including her tractor, harvest machine and other goods, which the police had already taken away. She did not know what to do.

On 28 January 1993 morning, Punjabi newspapers published a report about the

killing of Kulwant Singh, alias Nishan Singh, and two other militants in an encounter near village Bankan Baler. Sawinder Kaur was not informed about the cremation. She went to Patti cremation ground and found out that the police had already cremated her son.

The CBI's list of unidentified cremations, Under serial no. 581/969, also shows one cremation carried out on 27 January 1993 by ASI Teg Bahadur Singh of Bikhiwind police station in the case registered under FIR number 02/93. This may represent the cremation of one of the people reportedly killed in the same alleged encounter as Nishan Singh. We do not know what happened to the body of the second person reportedly killed in the same "encounter".

231 – 233. Under serial nos. 282/970, 283/971 and 284/972, the list identifies three cremations carried out on 30 January 1993 by the SHO of Jhabbal under FIR no. 10/93. They are of [1] Sukhjinder Singh, alias Neetu, s/o Mukhtiar Singh, r/o Panjwar; [2] Tari, s/o Shinde, r/o Panjwar; and [3] Jaimal Singh, s/o Surjan Singh, r/o Vandale. The post-mortem reports are marked as KSS-3/93, KSS-4/93 and KSS-5/93. The cause of death is given as "police encounter".

Through its incident report form nos. CCDP/01393 and 01397, The committee has gathered the following information. The main informants are Mukhtiar Singh and Shinda, the fathers of Sukhjinder Singh and Tari, respectively.

Sukhjinder Singh (20), and Tari (19), were two *Mazhabi* Sikh boys, clean-shaven and unmarried, who lived in Mazhabian Di Thathi in Panjwar Khurd village. They worked as agricultural workers and had no background of political or militant involvement. They had never been arrested.

One of Tari's uncles, Narvinder Singh, alias Bahman, got abducted and killed by the police in a fake encounter.

Early one morning in the first week of December 1992, SHO Suba Singh of Jhabbal police station arrested Tari at his house, and brought him to Jhabbal police station, saying that he was needed for some inquiry. Tari's family members met him in the police station several times over the next weeks and the SHO promised that Tari would not suffer any harm as he was needed only to verify some things. Nearly one month after Tari's arrest, SHO Suba Singh raided Sukhjinder Singh's house and arrested him too. He was also held illegally in Jhabbal police station. On 29 January 1993, Jhabbal police staged an encounter in which Tari and Sukhjinder Singh and two others, Jaimal Singh, s/o Surjan Singh from Vandale, and one unidentified militant, were reported to be killed. The news about the encounter was published in several newspapers on 30 January 1993. The families were not informed about the cremations.

The CBI's list of unidentified cremations, Under serial no. 582/973, shows that the SHO Jhabbal carried out another cremation in the case under FIR no. 10/93 on 30 January 1993, with post-mortem report number KSS-6/93.

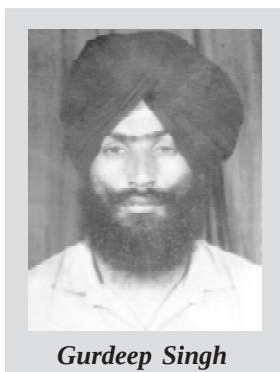
234. Under serial no. 285/974, the list identifies the cremation of Gurdeep Singh, s/o Ajit Singh, r/o Kairon Mayaveran, carried out on 1 February 1993 by SI Sitaram of Patti police station, under FIR no. 5/93. The post-mortem report is marked as SLG-9/93 and the cause of death is given as "police encounter".

The committee has acquired the following information through its incident report form no. CCDP/00550. The main informant is Manjit Kaur, Gurdeep's mother.

Twenty-five-year-old Gurdeep Singh, alias Mana, from Kairon village under Patti sub-division of Amritsar district, was a moderately well to do farmer, married to Manjit Kaur with four children.

The police suspected the family of sheltering and feeding militants. The police raided the house several times and took Gurdeep Singh's father Ajit Singh to Kairon police post in November 1992 for interrogation. Ajit Singh disappeared.

In the third week of February 1993, ASI Naurang Singh of Kairon police post arrested Gurdeep Singh. Manjit Kaur was unable to do much. She had four small children, and her father-in-law had already disappeared, she was paralyzed with fear. Her village neighbors were also afraid and did not want to interfere. Gurdeep Singh was shown killed in an encounter on 31 January 1993. No one informed her about the cremation.



235. Under serial no. 286/975, the list identifies the cremation on 1 February 1993 as that of Dilraj Singh, s/o Amar Singh, r/o Khapar Kheri, carried out by the SHO of Verawal police station. The list does not mention the FIR no. The post-mortem report is marked as PS-4/93 and the cause of death is given as "police encounter".

The committee has gathered the following information on the case through its incident report form no. CCDP/01323. The main informant is the victim's father Amar Singh.

Twenty-five-year-old Dilraj Singh, from Khapar Jheri village near Chheharta in Amritsar, was a B. Sc. third year student at Khalsa College and came from a well to do family of baptized Sikhs. His father Amar Singh owned 18 acres of good, irrigated land and was a respected man in the village.

Dilraj Singh had excelled at his studies and had no record of political or militant involvement. He was never arrested or wanted by the police.

Dilraj was studying at home for his final examinations, scheduled to start on 27 January 1993. Early on 26 January 1993, India's Republic Day, inspectors Surinder Singh and Jagdeep Singh from Tarn Taran led a large force and raided the house and took Dilraj into custody. Asked why and where they were taking him, the officers told Amar Singh that they had come from Jalandhar Criminal Investigation Agency (CIA) and that he should come to Jalandhar to get his answers. They were lying. Amar Singh later found out that the two officers were with Tarn Taran police.

The next morning, Amar Singh, along with the head of the village council and other prominent persons from his area, went to Jalandhar and met DSP Dilbagh Singh, whom he knew. Dilbagh Singh made some inquiries and told him that Jalandhar



police had not arrested his son.

Amar Singh had already suspected Tarn Taran police because, according to many in the village, the police vehicles, after abducting Dilraj, had driven in the direction of Tarn Taran. On 27 January 1993, Amar Singh went to Tarn Taran and met DSP (detective) Gurmeet Singh who admitted that Dilraj was in their custody. Amar Singh managed to walk into the CIA staff building in Tarn Taran when he went to meet DSP Gurmeet Singh again on Saturday, and saw his son Dilraj Singh. Although he was not able to talk to him, Dilraj seemed physically normal and did not appear to have been tortured.

Amar Singh, along with several other persons, met DSP Gurmeet Singh again on January 28. The DSP refused to release Dilraj Singh because, “he had confessed to his involvement”.

Amar Singh spent the next days desperately trying to find some influential political contact who could intervene and help. Before he could do much, newspapers on 2 February 1993 prominently carried a report about the killing of Dilraj Singh Raja and one of his unidentified accomplices, described as dreaded militants of Babbar Khalsa, in an encounter with the Verowal police near village Gagrewal. Amar Singh could not identify the other boy killed in the false encounter and described as an unidentified militant.

Amar Singh was not informed about the cremation, but he along with other family members managed to reach Tarn Taran cremation ground and collect the ashes from the spot indicated by the staff there. But he was not sure that he had actually collected his own son’s ashes.

Surprisingly, the CBI’s list of unidentified cremations does not show any other cremation held by the Verowal or Tarn Taran police on that day. The question is what happened to the body of the person described as an “unidentified accomplice” of Dilraj Singh. Also, if Dilraj was such a dreaded militant, killed in an encounter, why did the Verowal police not file the case under an FIR?

The incident has left a deep impact on Dilraj’s younger sister Raminder Kaur and his mother Gursharan Kaur, both of whom, according to Amar Singh, have become psychologically unstable.

236. Under serial no. 287/981, the list shows the cremation of Sukhdev Singh, alias Sukka, s/o Balwant Singh, r/o Bhamanwala, carried out by SI Sita Ram of Patti police station on 6 February 1993 under FIR no. 9/93. The post-mortem report is marked as 6/2/93 and the cause of death is given as “police encounter”.

The CCDP has got the following information through its incident report form nos. CCDP/01482 and 01370. The main informant is the victim’s father Balwant Singh.

Thirty-five-year-old Sukhwant Singh, alias Sukhdev, s/o Balwant Singh Taagi, was from Bahmani Wala village in Patti sub-division of Amritsar district. He studied up to higher secondary and then joined the SGPC. He was married to Mohinder Kaur and had four children, two daughters and two sons. The eldest of them, Narinder Kaur, is now 22.

Six months after he joined the SGPC in 1991, Amritsar police registered a case against him under TADA and sent him to jail. While he was still in jail, Patti police asked for his remand and, after his interrogation, implicated him in yet another case.

So, Sukhwant Singh remained in jail till the end of January 1993 when he was released on bail. But the cases were still pending.

On 5 February 1993, Sukhwant Singh had to appear before the trial court in Patti. So, he got up early and was getting ready to leave for the court when ASI Deedar Singh from Patti police station, along with two constables, came to the house and told Sukhwant Singh that he was wanted at Patti police station. Deedar Singh and his constables waited and drank tea as Sukhwant Singh got ready and then they left with him. Deedar Singh told his father Balwant Singh that he could come to the police station around 9 or 10 a.m. and take his son along to attend the court hearing.

Balwant Singh, accompanied by other villagers, reached Patti police station, but the SHO was not there. The constable on duty told him that his son was not there in the police station either. Amar Singh then went to the court, but discovered that his son had not appeared there. He became nervous and asked all his friends to help him locate his son. He went back to Patti police station, but the SHO was still not there.

The next morning, as Amar Singh, his family members and other villagers were on their way to Patti police station again, they learnt that the police had killed two persons in an encounter staged near Sabhran village last night. Amar Singh rushed to Patti hospital where the bodies had been taken for post-mortems. But the police had already removed them for cremation. Amar Singh and his entourage then rushed to the cremation ground, but the police did not allow them to attend the cremation. Amar Singh and his family members saw the bodies from a distance and from the clothes on one of the bodies they recognized Sukhwant Singh.

The police terror was at its peak at this time and Amar Singh could not do anything. The next day when he went to the cremation ground to collect the ashes of his son, he met the father of the other boy who had been killed in the same encounter. The other boy's name was Baldev Singh, from Galali Pur village. His father Gian Singh said that Baldev had also been arrested from his residence.

According to the CBI's list of partially identified cremations, Under serial no. 111/982, Baldev Singh was cremated by SI Sita Ram of Patti police station on 6 February 1993 in connection with the case registered under FIR no. 9/93. The post-mortem report is stated to be unavailable. The cause of death is given as "police encounter". Baldev Singh's story is summarized in the relevant section of the report.

237 - 240. Under serial nos. 289/986, 290/987, 291/988 and 292/989, the list shows the cremations of four persons carried out by SI Raj Kumar of Jhabbal on 9 February 1992 mentioned in FIR no. 14/93. They are: [1] Sulakhan Singh, s/o Lob Singh, r/o Makaikey, Satra, PS Patti; [2] Gurnam Singh, alias Kakku, s/o Chanan Singh, r/o Bhuchar Kalan, PS Jhabbal; [3] Bhajan Kaur, w/o R. Singh, r/o Sabaaipur; and [4] Sukwinder Kaur, w/o Satnam Singh, r/o Khara PS City TT. The post-mortem reports are marked as KK-4/93, KK-5/93, KK-6/93 and KK-7/93. The cause of death is mentined as "police encounter".

Through its incident report form nos. CCDP/01392, 01478 and 01439, the CCDP has acquired the following information. The main informants are Gurnam's brother Makhtool Singh, Bhajan Kaur's brother-in-law Santokh Singh, and Sukhwinder Kaur's husband Satnam Singh.

Gurnam Singh, s/o late Channan Singh from Bhuchar Kalan village under Jhabbal

police station, was a 50-year-old farmer married to Veer Kaur and had four children who are all adults now. He was a poor farmer with only three acres of land and seven mouths to feed, including his mother. He had no political or militant links and had never been arrested before his killing.

One morning in the first week of January 1993, SHO Suba Singh of Jhabbal police station raided Gurnam Singh's house and, in front of all the family members, took him away in police custody. The village council members, who went to Jhabbal police station to plead for his release, were told that the police would release him after making some inquiries. Jhabbal police also wanted to arrest Lubhaya, a *Mazhabi* Sikh of the same village whose father's name was also Channan Singh. As Lubhaya was not around, SHO Suba Singh took his father into custody and forced his family to locate and produce him at the police station. Lubhaya's father Channan Singh was still in Jhabbal police station on 5 February 1993 when he saw Gurnam Singh for the last time. According to Channan Singh, Gurnam had been badly tortured and was in a critical condition when he left the police station on February 5. Four days later, the police staged an encounter near Bhojjan to declare that Gurnam Singh and four other militants, including one unidentified militant, had been killed. Newspapers carried reports about the encounter on February 9 and that is how the family learnt about Gurnam Singh's killing.

According to Gurnam's brother Makhtool Singh, our informant, the family members could not even collect his ashes, as they did not know which of the five pyres had been his. The two women killed in this fake encounter are Bhajan Kaur and Sukhwinder Kaur.

Fifty-year old Harbhajan Kaur, alias Bhajan Kaur, from Sehbaz Pur village under Patti police station, was married to Kundan Singh and had five children. One of her sons, Angrez Singh, was suspected of being involved with militant activities and had been arrested and killed by the police in a fake encounter in 1991. Even after his death, the police continued to raid their house and illegally detain and torture other members of the family.

Harbhajan Kaur and her husband Kundan Singh had rented out a part of their house in the village to 35-year-old Sukhwinder Kaur, a resident of Kherai village, post office Dare Ke within Tarn Taran, who was a trained nurse and had a private practice as a midwife in Sehbaz Pur. Sukhwinder was married to Satnam Singh, an employee of the SGPC, and was the mother of two children. The police had once illegally detained and interrogated Sukhwinder on suspicions of her involvement with militants, but they released her unconditionally after some days of questioning.

Sukhwinder had a brother-in-law, Randhir Singh, the younger brother of her husband Satnam Singh. Randhir had a three-and-a-half-year-old son named Sarabjit Singh who was kidnapped in January 1993. The police detained many people and managed to recover the kidnapped child. Even then the ASI of Manochahal police post instructed that Sukhwinder come for questioning to the police post. ASI Raj Kumar detained her around February 4. After holding Sukhwinder in illegal detention for a day, SI Raj Kumar also arrested Harbhajan Kaur. When Sukhwinder's family met the in-charge of the police post to find out why they were holding Sukhwinder and Harbhajan, they received evasive answers. They also met DSP Ashok Kumar for his intervention, but nothing happened. On 9 February 1993, newspapers published

a report that said that Sukhwinder Kaur and Harbhajan Kaur were killed in a so-called encounter, along with Gurnam Singh and Lubhaya of Bhuchar Kalan, and Sulakhan Singh of Kakaikey village staged near Bhojjan village on 8 February 1993. The families were not informed about the encounter and the police carried out the cremations.

As the CBI's list of unidentified cremations shows, Under serial no. 588/990, Lubhaya of Bhuchar Kalan got cremated on February 9 as an unidentified body under the same FIR. His post-mortem report was marked as KK-8/93.

241. Under serial no. 294/994, the list identifies the cremation of Jaswant Singh alias Jassa alias Master, s/o Manga Singh Majbi, r/o Akbarpur, PS Bhikhiwind, carried out on 17 February 1993, by Teg Bahadur Singh of Bhikhiwind police station. There is no FIR no. and the post-mortem report is marked as SLG-10/93. The cause of death is given as "police encounter".

In this case, The committee has acquired the following information through its incident report form no. CCDP/01548. The main informant is Surjan Singh, the victim's uncle.

Thirty-year-old Jaswant Singh, son of Ganga Singh, identified in the CBI's list as Manga Singh Majbi, resident of Akbarpur, post office Margindpura, under Bhikhiwind police station, in Patti sub-division of Amritsar district, was a trained primary school teacher. In 1993, he was posted at a government primary school at Sunam in Sangrur district of Punjab. He was married, but his widow has since returned to her parents.

On 11 January 1993, a large police force from Bhikhiwind police station, led by SHO Teg Bahadur Singh, raided Jaswant's village house at Akbarpur and arrested many of his relatives, including uncle Surjan Singh, his sister Guddi and her husband Kashmir Singh from Dhira Ghaha village in Ferozepur district. Separately, the police also arrested Jaswant's cousin Gurbachan Singh, son of Sohan Singh, resident of Kasabad village in Ludhiana district. The police tortured them all brutally at Bhikhiwind police station for information about Jaswant's whereabouts. Under severe torture, Gurbachan Singh revealed to SHO Teg Bahadur Singh and ASI Sucha Singh that he was posted as a teacher at a government school in Sunam.

Gurbachan was forced to come along with the police force to Sunam where the police arrested Jaswant Singh from his school. They brought Jaswant Singh back to Bhikhiwind police station and brutally tortured him in the presence of his family members who were still in illegal custody. All of the family members arrested on 11 January 1993, including Gurbachan Singh, were released from Bhikhiwind police station the day after Jaswant's arrest.

According to Surjan Singh, Jaswant Singh was declared to have been killed in an "encounter", staged near village Soorwind, four or five days after his arrest from Sunam. The Bhikhiwind police carried out the cremation without informing the family, which remained fearful and could not take any action.

242. Under serial no. 295/996, the list identifies the cremation of Mukhtiar Singh alias Mukka, s/o Gurmail Singh Jat, r/o Dariwal, carried out by SHO Govinder Singh of Patti police station on 18 February 1993, under FIR no. 12/93. The post-mortem report is marked as 28/2/93 and the cause of death is given as "police encounter".

The committee has acquired the following information through its incident report form no. CCDP/01572. The main informant is the victim's father Surmel Singh whose name has been wrongly reported in the CBI's list as Gurmel Singh.

Thirty-five-year-old Mukhtiar Singh alias Tari, son of Surmel Singh and Darshan Kaur, was a resident of village Dhariwal in Patti sub-division of Amritsar district. The older of two brothers, Mukhtiar worked as a conductor in a public transport bus belonging to a private company. He was unmarried and lived with his parents. His younger brother helped his 70-year-old father look after the farmland. Mukhtiar and his family members had no connection with the militancy and had never been arrested or interrogated by the police.

On 6 February 1993, around 1 p.m. ASI Balraj Singh, in-charge of the police post at Luhka village, came with a police force to Ghariala bus stand and abducted Mukhtiar Singh who was standing near his bus at the parking place. A shopkeeper at the bus stand immediately sent a message to his family, and his uncles Mohan Singh and Bachint Singh, along with several village elders, met ASI Balraj Singh at his police post to inquire about Mukhtiar. The ASI said that Mukhtiar was needed for interrogation in connection with the investigation of a case and that his release would depend on the outcome.

Later that evening, ASI Balraj Singh arrested Mukhtiar's parents, Surmel Singh and Darshan Kaur, when they were returning home from Patti town where they had gone for some shopping. Mukhtiar Singh, in very critical condition from torture, was in the police vehicle when the ASI arrested his parents. At Luhka police post, the police released Darshan Kaur, but they tortured Surmel Singh and asked him to reveal where he had hidden the weapons belonging to militants. Both Mukhtiar Singh and his father continued to insist that they were innocent and the accusations against them were unfounded. After interrogating them under torture, the police locked both Surmel Singh and Mukhtiar Singh in separate cells.

Early next morning, Surmel Singh saw his son for the last time when he was taken out of the lockup for a trip to the toilet. He could not walk and his physical condition was very critical. Later that day, a group of officers from Kairon police post came to Luhka police post and took Mukhtiar Singh along with them. Surmel Singh remained in the lock up illegally for 12 days thereafter, but he did not see his son again.

Several members of the family met the in-charge of Kairon police post, ASI Naurang Singh, to find out about Mukhtiar's condition and what he proposed to do with him. ASI Naurang Singh said that the DSP of Patti police was directly handling Mukhtiar's case and advised them to contact him. When the family members met the DSP, he demanded Rs. 50,000 for Mukhtiar's release. The family needed time to raise the money and implored the officer not to harm him in the meantime. They managed to collect the amount by February 18.

Early that morning, Mukhtiar was declared killed in an "encounter" with the Patti police near village Joran. The police carried out the cremation which the family was not allowed to attend. Surmel Singh was released from his illegal detention at Luhka police post on 19 February 1993.

243. Under serial no. 296/997, the list identifies the cremation of Jaswinder Singh alias Narinder Singh, s/o Jaswant Singh Jat, r/o Manwa, carried out by Teg Bahadur Singh of Bikhiwind police station 2 March 1993, under the FIR no. 5/93.

The post-mortem report is marked as KS-11/93 and the cause of death is said to be “police encounter”.

The CCDP has gathered the following information through its incident report form no. CCDP/01678. The main informant is the victim's father Salwant Singh.

The CBI's list wrongly identifies the victim with the name of Jaswinder Singh alias Narinder Singh. His actual name was Narinder Singh and he was also known as Punjab Singh. Twenty-five-year-old Narinder, son of Salwant Singh and Sukhbir Kaur, was a farmer from Manawa village, under Khemkaran police station, in Patti sub-division of Amritsar district. The youngest of four brothers, he was unmarried.

Narinder's cousin Sukhpal Singh, son of Ranga Singh of Manawa village, was a militant who was killed in an encounter with the BSF in 1988. The incident provoked Narinder, who had been picked up illegally for interrogation under torture before, to follow the path of his slain cousin. For the next five years, his family members suffered enormous police atrocities because of this decision. The police regularly detained and tortured them. The police illegally detained and tortured Narinder's three sisters and his sister-in-law at Makhu and Bhikhiwind police stations for long periods. The police demolished their house and confiscated all household belongings. Also, the police prevented them from cultivating their land.

Early morning on 28 February 1993, SHO Teg Bahadur Singh of Bhikhiwind police station arrested Narinder while he was coming out of a gurdwara at Baba Budha Sahib. Narinder was killed in an encounter staged near village Banka Blare in the night intervening 1 and 2 March 1993. The encounter was staged while several of Narinder's relatives were being illegally held at Khemkaran police station. Among them were his uncles Kartar Singh, Jeet Singh and Baljit Singh, and his brother's father-in-law Gian Singh. The police carried out the cremation after declaring the body to be unclaimed.

The family members could not even collect his ashes.

244. Under serial no. 297/998, the list identifies the cremation of Gurbhachan Singh Manochahal, s/o Atma Singh, r/o Manochahal, now Nowshara Pannua, under Sarhalli police station. The cremation was carried out on 1 March 1993 by SHO Gurbhachan Singh of Tarn Taran's City police station under FIR no. 16/93. The post-mortem report is marked as SK-1/93. The cause of death is given as “police encounter”.

The CCDP has gathered the following information through its incident report form no. CCDP/01075. The main informant is Gurbachan's brother Tarlochan Singh.

Gurbachan Singh Manochahal, s/o Atma Singh from Naushehra Pannuan village in Tarn Taran sub-division of Amritsar district, was a well-known figure of the separatist militancy in Punjab. He was 38, married to Dalbir Kaur and had three sons who are now in their teens and early twenties. Gurbachan Singh, the eldest among four brothers and a sister, passed the high school and joined the army. In 1975 or 1976, Gurbachan was arrested and punished with one-year imprisonment and dismissal from the service by a court-martial on the charge of insubordination. He had slapped a superior officer who was abusing him.

After spending one year in jail, Gurbachan became close to the Dam Dami Taksal,

an orthodox center of Sikh learning headed by Jarnail Singh Bhindranwale from 1977 to 1984. On 13 April 1978, Gurbachan took part in the demonstration called by Bhindranwale to protest against a public function at Amritsar organized by the Nirankari sect whose religious practices and professions offended orthodox Sikhs. The demonstration provoked violence and 17 participants died when Nirankaris opened fire. Gurbachan Singh was injured and had to be hospitalized. After this incident, Gurbachan Singh became a regular companion of Bhindranwale, accompanying him on his missionary tours within Punjab and outside.

In July 1982, when Bhindranwale started a public campaign to protest the arrest of some of his close associates, Gurbachan Singh actively participated. After the June 1984 army assault on the Golden Temple, anticipating his arrest, Gurbachan Singh left his house. The army raided his house and not finding him, arrested his brother Narinder Singh and one of his uncles, Piara Singh, resident of Deenpur village. The army also confiscated his tractor and a jeep belonging to the gurdwara in the village. The police implicated Narinder Singh in a case under the Arms Act. The Sarhalli police then arrested Gurbachan Singh's father Atma Singh and detained him in illegal custody for more than a month to compel his son to surrender. Gurbachan Singh Manochahal was not a man to surrender and many of his close relatives, including his father Atma Singh and mother Gurmej Kaur, had to suffer illegal detention, torture and disappearance before he would meet his own end in a fierce encounter with the security forces eight years later. Also, he was not the only person in the family sought by the Indian authorities.

In 1977, Atma Singh's younger son Tarlochan Singh had joined 9 Sikh Regiment of the Indian army, and was based at its headquarters in district Ganganagar of Rajasthan. Following the army assault on the Golden Temple in June 1984, Tarlochan Singh and a few hundred other Sikh soldiers rebelled and, after capturing several army vehicles, moved towards Amritsar. Tarlochan Singh and his group was finally cornered by the army at village Kot Sukhiya near Moga and, because of the tactful handling of the situation by a Sikh commander, captured without bloodshed. Tarlochan Singh was sentenced to 14 years of imprisonment.

After June 1984, Gurbachan Singh Manochahal joined the ranks of militants, became a member of the Panthic Committee, the apex body of militant outfits committed to avenging India's military aggression, and had declared the establishment of an independent Khalistan. He was killed in a fierce encounter that occurred on 28 February 1993 at village Rataul. The encounter was genuine and Gurbachan Singh Manochahal, along with seven close followers, died fighting. Also, 12 policemen, including DIG, Ajit Singh, died in the encounter.

The significance of the case study of Gurbachan Singh's life and his death in an encounter is, however, that the police abducted and disappeared or killed in fake encounters 17 of his close relatives, including his father Atma Singh, mother Gurmej Kaur, and brother Nirvail Singh.

245. Under serial no. 299/1003, the list identifies the cremation of Jasbir Singh, alias Jassa, s/o Sardool Singh, r/o Nagoke, carried out by the SHO of Goindwal police station on 20 March 1993, under FIR no. 10/93. The post-mortem report is marked as KK-10/93 and the cause of death is given as "police encounter".

The CCDP has acquired the following information through its incident report form no. CCDP/00730. The main informant is the victim's widow Davinder Kaur.

Forty-year-old Jagbir Singh, alias Jagga, s/o Sardool Singh, r/o Nagoke, Behak Nere Alian under Verowal police station in Tarn Taran sub-division of Amritsar district, was a farmer married to Davinder Kaur with four children. The eldest daughter is now 19.

Jagbir was a baptized Sikh and a member of the Sikh Students Federation. He participated in Akali politics when they launched the agitation for the implementation of the Anandpur Sahib resolution in July 1982. Ideologically, he associated with the position represented by Jarnail Singh Bhindranwale. After the June 1984 assault on the Golden Temple, the police wanted to arrest Jagbir Singh. He evaded arrest until Baba Uttam Singh, a known Sikh religious figure from Khadur Sahib Gurdwara, got him produced before the police in 1986. Jagbir Singh was formally arrested and sent to jail, but was released on bail after three months. Jagbir remained politically active and was a candidate from Beas assembly constituency in the aborted 1991 state assembly elections. During electioneering, he received official body-guards for protection from militants who had called for a boycott. These body guards were still with him when, soon after the decision to abort the elections, Goindwal police started raiding his house to arrest him. The police confiscated a public transport truck and other valuable household goods owned by his father, and also burnt down his crops.

Not wanting to face police torture again, Jagbir Singh went underground and joined the ranks of militants. By February 1992, Punjab came under Congress rule with Beant Singh as the chief minister and K.P.S Gill as the DGP. As the police pressure on his family intensified, Jagbir shifted his residence from Punjab to Kachhrawal village under Muhammadi sub-division of Lakhimpur Kheri district in Uttar Pradesh and lived there peacefully for the next year.

On 4 March 1993, Jagbir Singh and his wife, along with Surmukh Singh of Kachhrawal village, started on a pilgrimage to Hazur Sahib, one of the five most important shrines of religious authority for the Sikhs. Hazur Sahib is located at Nander near Hyderabad, where Guru Govind Singh died. On the way, Jagbir Singh and his group made a stop at a gurdwara in Agra. Somehow, the Punjab police found out about Jagbir's itinerary and a large force from Verowal, Goindwal and Tarn Taran, in plainclothes, was waiting for him at the Gurdwara in Agra. The police, led by inspector Gursharan Singh Bedi and sub-inspector Jasbir Singh of Verowal police station, nabbed Jagbir and his companion Surmukh Singh outside the gurdwara in Agra on 4 March 1993 around 4 p.m. forced them into a vehicle and drove away with them. Jagbir's wife Devinder Kaur, who had not been arrested, left for Punjab and informed her in-laws about the abduction.

Jagbir's family members talked to politically prominent persons in their area, requesting them to intervene and rescue Jagbir from the illegal police custody. Jasbir's father Sardool Singh managed to meet his son at the CIA interrogation center in Tarn Taran on 14 and 15 March 1993. But his efforts to persuade the police officers to either release him from illegal custody or bring him before a court for trial remained in



vain. On 21 March 1993, Punjabi newspapers reported the killing of a “dreaded militant” Jagbir Singh and one of his unidentified accomplices in an encounter near village Bhoian under Goindwal police station. The bodies were not returned to the families and the cremations were carried out by the police. Jagbir’s companion Surmukh Singh had no connection with the militant or the political movement in Punjab. It is unclear what happened to his body since his cremation does not figure in any one of the CBI’s three lists.

246. Under serial no. 300/1005, the list identifies the cremation of Balwinder Singh, alias Rabero, s/o Nazar Singh, r/o Manochahal, carried out on 30 March 1993, by SHO Surinder Pal Singh of Sarhalli police station under FIR no. 23/93. The post-mortem report is marked as GSD-9/93 and the cause of death is given as “police encounter”.

The committee through its incident report form no. CCDP/00756 has the following information about the case. The main informant is the victim’s widow Gian Kaur.

Forty-year-old Balwinder Singh, alias Billu, s/o Karaj Singh, r/o Patti Mamo Ki in Manochahal Kalan village under Tarn Taran sub-division of Amritsar district, was a graduate and a constable with the Punjab Armed Police. He was married to Gian Kaur and had four children. The eldest daughter is now 21.

Balwinder Singh, cousin of a known militant leader Gurbachan Singh Manochahal, was deployed in Jalandhar in October 1986 when an attempt was made to assassinate then DGP Punjab, J. F. Ribeiro. Balwinder was suspected of complicity in the attempt, dismissed from service and arrested on multiple charges of murder, attempt to murder, rioting, armed with a deadly weapon and being a member of an unlawful assembly guilty of offence committed in prosecution of common object under sections 302, 207, 148 and 149 of the IPC and 25/24/59 of the Arms Act and 3/4 of TADA. Pending trial, Balwinder was dismissed from the Punjab Armed Police. As an undertrial, Balwinder Singh remained in the high security prisons of Sangrur and Nabha for three-and-a-half years, but managed to secure his release on bail in 1990. Following his release, Balwinder shifted residence to his wife’s parents’ village Vei Pui near Khadur Sahib in Amritsar district and began to earn his livelihood as a farmer. He also regularly attended his trial before a special court.

In May 1992, the police started to raid his house in Vei Pui village to rearrest Balwinder. Fearing custodial torture and elimination, Balwinder began to stay away. The raids, conducted by SHO Surinder Pal Singh of Goindwal police station and assistant-sub-inspectors Balvir Singh of Fatehabad police post and Interjit Singh of Naushehra Pannuan police stations, began to get more and more aggressive. In early June 1992, ASI Balvir Singh arrested Balwinder’s wife Gian Kaur, her father Arjan Singh and mother Karam Kaur and held them illegally at Fatehabad, Khadur Sahib, Sarhalli, Naushehra Pannuan and Verowal police stations till the end of March 1993. The police brutally tortured all of them, particularly Arjan Singh. They were also made to do menial jobs for the police like cleaning the floors, washing clothes and dishes and even cooking. The police also confiscated their household goods, including 100 quintals of wheat, 150 quintals of paddy, farm and milk cattle, utensils and even beddings.

Balwinder rented a house at Mehatpur village near Nakodar in Jalandhar district

and began to live there with his four children. His sister-in-law Rajwant Kaur visited them frequently to cook for the children.

On 21 March 1993, Arjan Singh was brought to Goindwal police station where SHO Gurcharan Singh Bedi and other police officers asked him to come along with them to identify Shamir Singh's house in Manochahal village. Shamir Singh had arranged the marriage of Balwinder Singh and Gian Kaur. Arjan Singh had no choice but to do as told and, the same evening, the police arrested Shamir Singh. After arresting him, the police went to Bhairawal village and arrested Malkeet Singh, son of Kartar Singh. Then the police took them all to Mehatpur where Balwinder had rented a house to live with his children. Around 4 a.m. on March 22, when they all reached there, the police made Arjan Singh, Shamir Singh and Malkeet Singh walk in front of them and call out for Balwinder Singh. The police had also surrounded his house from all sides and some had even climbed the roof. Balwinder was preparing for his bath and was only in his underwear. The police promptly overpowered him and tied his hands behind his back. The police woke up all the children and also confiscated the household goods. All of them were then taken to Goindwal police station where Balwinder's wife Gian Kaur and her mother Karam Kaur were also present. Gian Kaur managed to talk to her husband briefly before they took him away. Balwinder told her to look after their children saying, "It is now your responsibility". The same group of officers then took Balwinder away to some unknown place.

Nine days later, on 31 March 1993, Punjabi newspapers published a report about the killing of Balwinder Singh in an armed encounter with the police at village Kora Madhana. All the family members of Balwinder Singh who had been kept in illegal detention since May 1992 as well as those arrested on 21 March 1993 evening were released by SHO Gurcharan Singh Bedi from Goindwal police station on 30 March 1993 morning. Balwinder's body was not returned to the family. The CBI's list of unidentified cremations Under serial no. 595/1006 shows that SHO Surinder Pal Singh of Sarhalli police station carried out the cremation of another body under the same FIR no. 23/93 at Tarn Taran on 30 March 1993. The post-mortem report of the unidentified body is given as GSD-8/93 and the cause of death is mentioned as "fire arm injuries".

247 - 249. Under serial no. 303/1009, 302/1008 and 301/1007, the list identifies three cremations on 5 April 1993 carried out by Mohinder Singh, SHO of Tarn Taran Sadar police station under FIR no. 24/93. They are of: [1] Balbir Singh, s/o Mukhtiar Singh, r/o Deo; [2] Bitta, s/o Mukhtiar Singh, r/o of Deo; and [3] Rana Pratap Singh, s/o Jaila Singh, r/o Deo. The post-mortem reports are marked as PK-4/93, PK-5/93 and PK-3/93. The cause of death is given as "police encounter".

The committee has gathered the following information about these cases through its incident report form no. CCDP/01130, 01145, and 01146. The main informants are Rana Pratap's father Zail Singh; Gurmej Kaur, mother of Beeta Singh who is incorrectly identified as Bitta; and Balbir Singh's father Mukhtiar Singh.

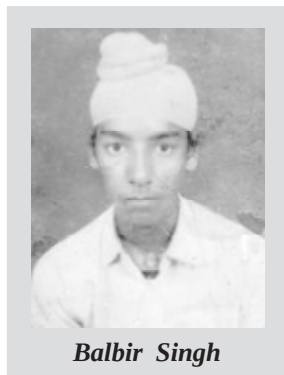
Twenty-year-old Mehlon alias Rana Pratap Singh, son of Zail Singh and Veero, resident of Deoo village, Havelian, under Tarn Taran's Sadar police station was a *Mazhabi* Sikh who earned his livelihood as a laborer. He was married to Sheero and

had two young children. According to his father Zail Singh, Mehlon did not have links with the militant or political groups.

Eighteen-year-old Beeta Singh, son of Mukhtiar Singh and Gurmej Kaur, was a *Mazhabi* Sikh boy resident of Deoo village under Tarn Taran's Sadar police station. He was unmarried and worked as an agricultural laborer. According to his mother Gurmej Kaur, Beeta had no links with the militant movement and was a clean-shaven Sikh.

Sixteen-year-old Balbir Singh, a class XI student of a senior secondary school at Kang, belonged to a poor family of *Mazhabi* Sikhs from Deoo village under Tarn Taran's Sadar police station. His parents were ardent followers of the Radhaswami sect, but Balbir Singh himself was not particularly religious. He was not associated with any political or militant organization, and had never been arrested before this incident.

According to the family members of the three boys, Karam Singh, an influential Jat Sikh in the village, accused the three *Mazhabi* boys of teasing his daughter and/or writing a love letter to her. Karam Singh had announced his plan to summon the three boys before the village council for appropriate action against their behavior. According to Balbir's father Mukhtiar Singh, Karam Singh had a lot of influence over the local administration and instigated the police to teach the boys a lesson.



Balbir Singh

On 31 March 1993, around 9 a.m. Balbir was eating breakfast at home when sub-inspector Mohinder Singh of Kang police post came with a large force and took him into custody. Sub-inspector Mohinder Singh man-handled Balbir's parents, tied Balbir's arms behind his back and took him away along with Beeta and Mehlon, alias Rana Pratap Singh, of the same village, who had been arrested from their homes before the police came to get Balbir.

The family members of the three boys and some elders of the village council went to Kang police station the same day and met SHO Mohinder Singh to plead for their release. The SHO said that he would release them after their interrogation. One of Balbir's maternal aunts, Jaswant Kaur, was a sub-inspector of the Punjab police. She met SHO Mohinder Singh and requested him to release the boys. The boys, whom Jaswant Kaur met in police custody, had been badly thrashed, but the SHO promised to release them after the injuries on their bodies had healed. Jaswant Kaur also met DSP Dilbagh Singh who gave her the same assurance. The police too repeated the same to the village elders who continued to visit the police station to secure the boys' release.

In spite of the promises, all three boys were killed in an elaborately orchestrated encounter on 5 April 1993 morning near Bhullar bridge on Pakhoke canal. DSP Dilbagh Singh, SHO Pooran Singh of Sadar police station of Tarn Taran and sub-inspector Mohinder Singh of Kang police post claimed to have led the encounter. On 6 April 1993, several Punjab newspapers prominently reported the encounter. The police carried out the cremations and did not let the families attend the funeral.

250. Under serial no. 304/1010, the list identifies the cremation of Surjeet Singh alias Peeja, s/o Subha Singh, r/o Cheena Beedi Chand, carried out by the SHO of Jhabbal police station on 14 April 1993, under FIR no. 38/93. The post-mortem report is marked as KK-15/93 and the cause of death is given as “police encounter”.

The CCDP has gathered the following information about this case through its incident report form no. CCDP/01422. The main informant is the victim’s mother Harbans Kaur.

Twenty-five-year-old Surjit Singh was a poor *Mazhabi* Sikh boy from Mazhabhian di Thatti in Cheena Bidhi Chand village under Jhabbal police station in Tarn Taran sub-division of Amritsar district. His father had died early, and Surjit earned his livelihood as a casual laborer. Surjit had no links with any political or militant group. He was married, but his widow has since remarried.

In the beginning of April 1993, Jhabbal police led by its SHO raided Surjit’s house and, not finding him home, took two of his brothers to the police station. The police instructed his mother Harbans Kaur to produce Surjit Singh.

On 5 April 1993, Harbans Kaur along with several village elders, members of the village council, and her own relatives produced Surjit Singh before SHO Balbir Singh and ASI Faqir Chand of Jhabbal police station who said that they had to interrogate him. The police released his brothers who had been detained illegally since the beginning of the month. Harbans Kaur continued to visit the police station where she saw her son daily until 13 April 1993. That night the police killed him in a supposed “encounter” and cremated his body as unclaimed/unidentified. The family, which learnt about the killing from the local newspapers that carried a report on 14 April 1993, was not informed about the cremation. Due to the police terror, the family could not take any action.

251. Under serial no. 305/1011, the list identifies the cremation of Harbans Singh alias Bansa, s/o Milkha Singh alias Muhtiar Singh, r/o Uboke, on 15 April 1993 carried out by the SHO of Tarn Taran’s Sadar police station under FIR no. 28/93. The post-mortem report is marked as PS-11/93 and the cause of death is given to be “police encounter”.

The CCDP has gathered the following information about this case through its incident report form no. CCDP/01483. The main informant is the victim’s brother Paramjit Singh.

Harbans Singh alias Bansa was the eldest son of Milkha Singh and Parkash Kaur, resident of Uboke, post office Bahmani Wala, Chardi Patti, under Patti sub-division of Amritsar district. Thirty-year-old Harbans had three younger brothers and a sister; his father Milkha Singh had died while they were still young. Harbans had to leave school and work on his farm to care for the family. He was a baptized Sikh.

In 1991, the Patti police began to raid Harbans’s house on the basis of the suspicion that he had given shelter and food to some militants. The police detained and tortured him and raided his house regularly.

To avoid constant harassment and torture, Harbans went away to Kanian Wali village under Sadiq police station in Faridkot district where two of his maternal uncles, Randhir Singh and Ranbir Singh, lived. Harbans Singh began to cultivate

other farmers' land on a contractual basis. His family remained at Uboke and bore the brunt of police atrocities.

In September 1992, Harbans was arrested by the CIA staff office at Faridkot and the Sadiq police on the basis of information received by an informer. The police also detained and tortured his uncles Randhir Singh and Ranbir Singh for more than a month. While in detention, the police forced Randhir Singh to withdraw a large amount of money from his bank account for their own gratification. Faridkot police went on to forge documents to claim that Harbans was arrested following an encounter. He was implicated in cases under TADA and the Arms Act. Harbans remained in Faridkot jail for four months. Then the Patti police applied for his remand to custody for further investigations and charged him with more offences under TADA.

In the second week of April 1993, Tarn Taran's Sadar police asked for Harbans Singh's custody, once again, ostensibly to investigate his involvement with other terrorist offences. They brought him for interrogation to Sadar police station. Harbans's family members became apprehensive and contacted several influential persons, including a former MP, to intervene. These persons promised to help and visited Harbans in the police lockup to let the officials know they were watchful and interested in his well-being. However, Harbans Singh's life could not be saved.

On 16 April 1993, the Punjabi daily *Ajit* published a report about an encounter, staged by the Sadar police near village Sheron to claim that Harbans Singh and another unidentified militant were killed when a group of militants attempted to rescue them while they were on their way, under police custody, to recover their weapons.

It was the peak period of police terror in Punjab and the family was unable to do anything to question the police version of the encounter. They went to the cremation ground where the attendants showed them the pyres on which the police had burnt the bodies on 15 April 1993.

The CBI's list of identified cremations shows the cremation of Harbans Singh. The second cremation, carried out by the SHO of Tarn Taran's Sadar police station carried out on the same day and listed under FIR no. 28/93, is recorded in the CBI's list of unidentified cremations Under serial no. 596/1012.

According to Paramjit Singh, a group of CBI officials approached the family members after the Supreme Court ordered an investigation into the allegations of secret cremations in Punjab. The officials visited them a number of times and recorded their statements. The CBI inspector, Naresh Kumar Talwar, told them that the officials responsible for arbitrary execution of Harbans Singh, which was explained away as an encounter, would be prosecuted before a court in Patiala. However, so far they have not so far received any summons from the court and are not aware of any development in the case.

Two officials responsible for Harbans Singh's murder, Pooran Singh and Jagir Singh, later approached Paramjit Singh for a compromise, offering him money, if he withdrew the case. But he spurned the offer in the hope that the wheels of justice might move one day.

252 – 253. Under serial nos. 306/1013 and 307/1014, the list identified two cremations on 18 April 1993 carried out by SI Govinder Singh of Patti police station under FIR no. 27/93. They are of [1] Pargat Singh alias Pagga, s/o Sajan Singh Jat,

r/o Sarhalli Manda, and [2] Bakakshish Singh alias Bisha, s/o Teg Singh Mazhavi, r/o Sandhoo. Pargat Singh's post-mortem report is made as 18/4/93, and the cause of his death is given to be "police encounter". Bakakshish Singh's post-mortem report and cause of death are marked as "not available".

The CCDP has gathered the following information about these cases through its incident report forms no. CCDP/01496 and 01603. The main informants are the victims' mothers Jagir Kaur and Bhajan Kaur.

Twenty-five-year-old Pargat Singh, son of Sajjan Singh and Jagir Kaur, was originally a resident of Sarhalli Mandan, Patti Manne Ki, in Patti sub-division of Amritsar district. His father had died and his mother brought up five sons, including Pargat, and a daughter on her own. Pargat Singh's four brothers were farmers and he became a taxi driver. In 1988, Pargat married Sandeep Kaur, the only child of her parents who lived in Delhi. Later, Pargat moved to Delhi and began to drive a cab in India's capital city. He had a son Lavjit Singh and a daughter Kanwaljit Kaur, who are now at least 13 and 11.

According to Jagir Kaur, Pargat did not have any links with the militant movement. However, one of his cousins, Nishan Singh, son of Kundan Singh, from Sarhalli Mandan village, had joined the militant underground and was wanted by the police. The police later captured and killed Nishan Singh and his brother Satnam Singh.

Early morning on 17 March 1993, Naurang Singh, in-charge of the police post at Kairon, along with a group of officers and some police informers, raided Pargat's house in Delhi and brought him back to Kairon for an interrogation. In their bid to locate his address, the Kairon police had earlier taken his brother Balwinder Singh into custody. Balwinder was released after Pargat's arrest.

Six days after his arrest, the Kairon police post in-charge permitted Jagir Kaur to meet her son in the lockup. Pargat told her about his interrogation at Patti, supervised by the DSP and the SHO of Patti police station. They wanted him to confess that he had links with his cousin Nishan Singh, who was wanted by the police. Pargat explained that he had no dealings with him and was not engaged in any unlawful activity. The officers appeared satisfied with his answers and had not tortured him.

Jagir Kaur wanted to know why her son was still being detained. The in-charge of the Kairon police post asked her to speak with the DSP as he did not have the power to interfere in the process of the investigation. But the post's in-charge remained cordial and permitted her to meet Pargat Singh whenever she came to the police post, until the last time on 15 April 1993.

Jagir Kaur was unwell and could not stir out of the house for two days after the April 15 visit. She went to meet her son again on Sunday, April 18 morning when the policemen on duty told her that Pargat Singh had been transferred to another police station. This was a lie. Pargat Singh along with Bakhshish Singh, son of Tek Singh, a *Mazhabi* Sikh of Saidon village, wrongly described in the CBI's identified list as Sandhoo village, had been killed in an encounter fake in the night intervening the 17 and 18 April 1993. Punjabi newspapers published a report about the encounter on April 19.

After reading the newspaper report, Jagir Kaur went back to the police post where the in-charge refused to meet her. She was not even allowed to enter the police post.

The police carried out the cremations without informing the family. However, Jagir Kaur was able to collect the ashes from the Patti cremation ground.

The CBI's list identifies the second person cremated along with Pargat as Bakhshish Singh alias Bisha, s/o Teg Singh Mazhavi, r/o Sandhoo village. His actual name was Bakhshish Singh, son of Tek Singh and Bhajan Kaur, resident of village Saidon, post office Barwala, in Patti sub-division of Amritsar district. Bakhshish was 18-years-old, the youngest of four brothers, and unmarried.

His father Tek Singh was a poor *Mazhabi* Sikh who brought up his children by working on other people's farms as an agricultural worker. His sons also worked as agricultural laborers. According to Bhajan Kaur, her eldest son Kuldeep Singh was killed by armed militants near village Chhosrewal. She was unable to recall the exact date of his killing or even the year. Although Kuldeep had been killed by underground militants, the police suspected his brothers of sympathizing with the militant cause and began to harass the family. Fed up by the routine harassment, Tek Singh decided to go away with the rest of his family. They moved to village Mallan in Muktsar sub-division of Faridkot district and began to pick cotton in the fields of a local farmer, Boota Singh.

In December 1992, Tek Singh decided to return to his village with the intention of meeting the police officials to arrange his son Bakhshish's surrender for an interrogation on the condition that they would not take his life. When Tek Singh went to Sabhran police post to talk to the officials, he was immediately taken into custody by ASI Nirmal Singh, the in-charge. Tek Singh disappeared and nothing of his whereabouts or fate could be ascertained after his arrest.

In the middle of March 1993, a group of officers from the Sabhran police post led by ASI Nirmal Singh came to Mallan village in Muktsar sub-division of Faridkot district, arrested both Bakhshish Singh and his brother Jeet Singh and brought them to Patti police station. They were locked up separately, but Jeet Singh could see his brother Bakhshish during their interrogation under torture. The police brutally tortured Bakhshish and after three days he could not even move. On the third day, Jeet Singh saw some policemen take his brother out of the police station, holding him by his arms. That was the last time anyone saw Bakhshish alive.

Jeet Singh remained in illegal police custody at Patti police station for 11 days. On day 12, he was brought to Sabhran police post where he was released and handed over to village council members. ASI Nirmal Singh told the village council members that Bakhshish would not be released.

On 19 April 1993, some residents of the village read a newspaper report announcing the killing of Bakhshish Singh, along with Pargat Singh of Sarhalli Mandan, in an alleged encounter. Bhajan Kaur then went to Patti cremation ground where she learnt that the police had burnt the bodies of Pargat Singh and Bakhshish Singh together on a single pyre.

254. Under serial no. 308/1015, the list identifies the cremation of Gulzar Singh, s/o Sajjan Singh Kamiyar, r/o Kambo, PS Jhabbal, carried out by SHO Surinder Singh of Harike police station on 28 April 1993 under the FIR number 22/93. The post-mortem report is marked SLG 27/93. The cause of death is given as "police encounter".

The CCDP has gathered the following information based on its incident report form no. CCDP/01503. The main informant is the victim's mother Surjit Kaur.

Thirty-year-old Gulzar Singh, son of Gajjan Singh, the correct name of his father, and Surjit Kaur, was a *paathi* (Sikh religious scripture-reader), resident of Kammoh village, post office Malluwala Santan, under Jhabbal police station in Tarn Taran sub-division of Amritsar district. He was married and had a son. But his widow has since remarried and wishes to remain anonymous.

Gulzar was the youngest of five brothers and, after receiving a religious education at the Dam Dami Taksal, became a *paathi*. In spite of his association with the Dam Dami Taksal, the police did not harass him or his family members, possibly because of Gulzar's popularity as a preacher in his area. Gulzar was later appointed as the supervisor for the renovation of a historical gurdwara associated with the sixth Sikh Guru Hargovind at Sri Hargobindpur. Baba Resham Singh was leading the project.

A Nihang leader, Ajit Singh Phoola, sponsored by the police establishment to maintain armed followers, wanted to take over the control of the historically important Sikh shrine at Sri Hargobindpur. In the third week of April 1993, the armed followers of Ajit Singh Poohla and the Tarn Taran police force abducted Baba Resham Singh and his close associates, including Gulzar Singh. They were tortured at Kairon police post and, following their refusal to handover the control of the shrine to the Nihang, were killed in the night between 27 and 28 April 1993, in two separately orchestrated "encounters".

Gulzar Singh was cremated by the SHO of Harike police along with one of his associates. The CBI's third list shows two cremations on 28 April 1993 conducted by Harike police under the same FIR no. 22/93. The Serial nos. are 597/1016 and 598/1017.

255 – 256. Under serial nos. 309/1018 and 310/1019, the list identifies two cremations carried out on 28 April 1993 by the SHO of Patti police station under FIR no. 28/93. They are of: [1] Resham Singh, s/o Madha Singh Jat, r/o Valtoha; and [2] Sukhdev Singh, s/o Jagir Singh Jat, r/o Faiwala, PS Harike. The post-mortem reports are said to be "not available". The cause of death is given as "police encounter".

The CCDP has gathered the following information through its incident report form nos. CCDP/01579 and 01621. The main informants are Resham Singh's brother Virsa Singh and Sukhdev's mother Gurmej Kaur.

Thirty-five-year-old Resham Singh, son of Sadha Singh and Bhajan Kaur, was a *paathi* from village Jand, post office Mane Ke, under Valtoha police station in Patti sub-division of Amritsar district. He was also involved in organizing voluntary labor for the reconstruction and renovation of historically important Sikh religious shrines. Resham Singh was unmarried and had not been arrested or interrogated by the police in the past.

Twenty-two-year-old Sukhdev Singh, son of Jagir Singh and Gurmej Kaur, was also a *paathi* from village Dhunn Dhahe Wala, under Harike police station, in Tarn Taran sub-division of Amritsar district. He had received his religious education at the Dam Dami Taksal. Sukhdev Singh and his family members had never been ar-

rested or interrogated in connection with the militant unrest in Punjab.

Resham Singh, Sukhdev Singh, Gulzar Singh and their two associates, Balwinder Singh, s/o Jeet Singh, a *Mazhabi* Sikh of Jand village, and Naib Singh of Fakkar Kaura village near Patti, were abducted from the site jointly by Tarn Taran police and armed followers of Ajit Singh Phoola, an officially sponsored Nihang leader who wanted to control the shrine. They were tortured brutally at Kairon police post and then killed in two separate incidents of encounters in the night between 27 and 28 April 1991 orchestrated near village Sabhra. Resham Singh, Sukhdev Singh and one of their associates were killed by Patti police and mentioned in FIR no. 28/93.

The families were not informed about the cremations. The CBI's third list records the anonymous cremation of two more of their associates Under serial nos. 599/1020 and 600/1021 by Patti police under the same FIR no. 28/93. We believe one of these cremations may be that of Balwinder Singh, son of Jeet Singh. His story is summarized in the appropriate section.

257. Under serial no. 311/1022, the list identifies the cremation of Pyara Singh, s/o Niranjan Singh from Choula Sahib carried out by SHO Gurdev Singh of Sirhali police station on 27 May 1993 mentioned in FIR no. 35/93. The post-mortem is marked as KK 18/93 and the cause of death is given as "police encounter".

The CCDP has gathered the following information from its incident report form no. CCDP/01416. The main informant is the victim's daughter Kulbir Kaur.

Thirty-five-year-old Piara Singh, from Patti Sahabhi Ki in Chola Sahib village under Harike police station of Tarn Taran, was a small farmer married to Paramjit Kaur with three daughters, the eldest now 17.

Piara Singh was deeply religious and had no links with any Sikh political or militant group. However, the police suspected him of harboring militants and had arrested him a few times for interrogation. Once he was jailed in a case under TADA, but the court released him on bail. Piara Singh was not wanted in any other case and he was leading a normal life in his village when ASI Amrik Singh of Chola Sahib police post came to arrest him at his house on the morning of 9 May 1993. The ASI said that they wanted Piara Singh for routine interrogation and they would release him soon.

His mother Inder Kaur went to the police post later that morning with tea for her son, but the police officers told her not to worry about the food and that they were taking care of him. Inder Kaur found out that her son was detained at Chola Sahib police post and that his hip joint had been fractured because of police torture. She also learnt that the police officials had called for a bone expert from the village, a quack, to fix his hip joint. When Inder Kaur met ASI Amrik Singh to plead for her son's release, he demanded Rs. 50,000. Inder Kaur asked for some time to raise the money.

On 27 May 1993, police led by SHO Gurdev Singh of Sarhalli police station killed Piara Singh, along with two others, in an encounter near village Gharakka. The police carried out the cremations and did not allow the family members to attend. Inder Kaur later learnt that one of the other men killed in the same encounter was from village Kalla near Kang. She met his parents who told her that the police had illegally held their son at Kang police post for several days before the police staged the encounter.

The list of unidentified cremations shows two more cremations on 27 May 1993, Under serial nos. 601/1023 and 602/1024, carried out by SHO Gurdev Singh of Sirhali police station under the same FIR. Their post-mortem reports are marked as KK-19/93 and KK-20/93, and the cause of death is stated to be, as usual, “police encounter”.

258. Under serial no. 312/1025, the list identifies the cremation of Kewal Singh, s/o Amrik Singh, r/o Badheshan, PS Verowal, carried out by Surinder Singh of Harike police station on 2 June 1993 stated in FIR no. 28/93. The post-mortem report is marked as KS 19/93 and the cause of death is given as “police encounter”.

The CCDP has acquired the following information about the case through its incident report form no. CCDP/01616. The main informant is the victim’s father.

Twenty-eight-year-old Kewal Singh, son of Amrik Singh and Hardeep Kaur, was a resident of village Fatehpur Badesha, post office Mianwind, under Verowal police station, in Khadur Sahib sub-division of Amritsar district. After some years of school education, Kewal Singh learnt to drive a truck and later, with his father’s help, set up a transport business at Chanderpur in Maharashtra. His younger brother Tarsem Singh also joined his business, which soon began to flourish. In 1990, Kewal Singh married Amarjit Kaur from Karumuwala village.

A family from Amarjit Kaur’s native village of Karumuwala, that had migrated to Amravati in Maharashtra, was wanted by the Punjab police in connection with some terrorist crimes. In May 1993, Harike police arrested Amarjit Kaur’s father Tega Singh and his son Satta. The police, led by SHO Surinder Singh, also raided Kewal Singh’s house at Fatehpur Badesha village and arrested his father Amrik Singh. The village elders tried to intervene, but the SHO told them that the police had to take the abducted family members to Chanderpur where Kewal Singh and his brother had set up their transport company.

The Harike police, along with Amrik Singh and Tega Singh, reached Chanderpur on 24 May 1993 morning and arrested Kewal Singh and his brother while they were on the way to their office. The police officers also arrested Amarjit Kaur from Kewal Singh’s house and then started on their return journey to Punjab.

Meanwhile, Kewal Singh’s business colleagues at Chanderpur lodged a formal complaint with the police about his abduction. Near Nagpur, the Maharashtra police managed to intercept the vehicle in which the Punjab police officials were traveling along with their hostages, and detained them overnight in a police station. However, the senior Punjab police officials and their defenders in the central government were able to secure their release and four days after starting on their mission, the group returned to Harike police station.

On 29 May 1993, the Harike police carried out a thorough search of Amrik Singh’s village house and also arrested his wife Hardeep Kaur and their daughter Harjit Kaur. Kewal Singh and his brother Tarsem Singh were detained in a separate room. Their parents Amrik Singh and Hardeep Kaur, their sister Harjit Kaur, Kewal Singh’s wife Amarjit Kaur, his father-in-law Tega Singh, and brother-in-law Satta, were kept separately.

The next morning, the police arrested Kewal Singh’s elder sister Manjit Kaur from village Tapijala where she lived after marriage. The police continuously beat and tortured all of the family members for information about Anokh Singh and his sons

from Karamuwala village. Kewal Singh had been acquainted with the family and had even hosted them at his house in Chanderpur once, but did not know their current whereabouts. The police did not believe them and continued to brutally torture all, especially targeting Kewal Singh and his brother.

On 31 May 1993, Amrik Singh, Tega Singh and Tarsem Singh were released from their illegal detention when members of their village councils came to the police station to intervene on their behalf. On 1 June 1993 morning, Kewal Singh was seen being taken out of the police station.

On 2 June 1993, Kewal Singh, along with another unidentified person, was declared killed in an “encounter” near village Kambo. The family members found out about the killings by reading a newspaper report on 3 June 1993 morning. The newspaper report said that Kewal Singh was the leader of a militant outfit called “Garam Khalsa Dal”. No such organization had been heard of before this report. The police claimed to have recovered a large quantity of weapons from the site of the incident.

The CBI’s third list, Under serial no. 603/1026, records the anonymous cremation under the same FIR of the second person killed along with Kewal Singh. His post-mortem report is marked as KS-18/93.

259 – 260. Under serial nos. 313/1028 and 314/1029, the list identifies two cremations on 8 June 1993, carried out by SHO Sita Ram of Valtoha police station, under FIR no. 24/93. They are of: [1] Jagir Singh, s/o Phoola Singh Mazbi, r/o Lakhna; and [2] Sinder Singh, s/o Buta Singh Mazbi, r/o Mastgarh. The post-mortem reports are marked as KS 21/93 and KS 20/93. The cause of death is given as “police encounter”.

The CCDP has gathered the following information from its incident report form nos. CCDP/01515 and 01681. The main informants are Jagir’s brother Rana Singh and the widow of Shinder Singh, Shindo.

Jagir Singh, son of Phoola Singh and Pooro Kaur, was an 18-year-old *Mazhabi* Sikh from Lakhna village, Vehra Mazhabi Sikhan Da, under Valtoha sub-division, in Patti sub-division of Amritsar district. He, like his two elder brothers, worked as a laborer in a grain market at Amarkot. From a poor landless family, Jagir was clean-shaven and unconnected with any political or militant groups. However, in 1992, Khemkaran police had arrested and interrogated him, suspecting him of maintaining links with Sikh militants; the police later later rigged up a case against him under the Arms Act. However, he was released on bail within some days of arrest and since then Jagir had been attending the court case regularly. Jagir was unmarried.

Thirty-six-year-old Shinder Singh, son of Boota Singh and Bega, was a *Mazhabi* Sikh from Mastgarh village under Khemkaran police station in Patti sub-division of Amritsar district. Shinder, the eldest of six Amritdhari brothers, earned his livelihood as a farm laborer and was married to Shindo with three children, a daughter Jasbir Kaur who is now 21, and two sons, Tota Singh and Channan Singh, 19 and 17. Suspected of maintaining links with militants, Shinder had been arrested under TADA by Khemkaran police in 1991. The court acquitted him in the case in 1993.

In the second week of May 1993, the Valtoha police, led by SHO Sita Ram, raided Jagir’s house at village Lakhna to arrest him. Jagir was not home and his parents informed the police that he had gone to the grain market at Amarkot to work. The

police reached the grain market, along with one Wassan Singh, s/o Makhan Singh of Lakhna village to identify him, when Jagir and his brother Rana Singh were weighing a farmer's wheat. Jagir Singh was arrested in the presence of dozens of persons.

The next morning, the family members, along with many village elders, went to Valtoha police station but were unable to talk to any responsible officer. Over the next days, they continued to visit the police station without any luck. Some middlemen involved in shady deals with the police collected some money from them to help them with their case, but failed to do anything. Over the next several days, the family members went to the police station every morning, hoping to meet someone responsible, and came back disappointed at dusk.

Shinder Singh was arrested from his house by a group of policemen from Valtoha police station early morning on 14 May 1993. The police came with the four sons of Santa Singh of Bhuchar Kalan village who they had taken into custody earlier. Their names are: Balwinder Singh, Prem Singh, Khem Singh and Ranjha. The police party also took Shinder away to Valtoha police station and interrogated him under brutal torture for the next three weeks. Balwinder Singh, Prem Singh, Khem Singh and Ranjha were released from custody two weeks after their arrest at the intervention of their village council. But the SHO categorically refused to release Shinder.

Jagir Singh and Shinder Singh were killed in the night between 7 and 8 of June 1993 in a fake encounter. The family members were not informed about the cremations. However, they managed to collect the ashes surreptitiously from the Patti cremation ground on the third day after the cremations.

According to Shinder Singh's widow, the police also arrested and killed Shinder's cousin Satnam Singh, son of Santa Singh of Mastgarh, in a separate incident of fake encounter.

261 – 264. Under serial nos. 315/1031, 316/1035, 317/1036 and 318/1037, the list identifies four cremations on 15 June 1993, carried out by the SHO of Tarn Taran's Sadar police station stated in FIR no. 41/93. They are of: [1] Satnam Singh alias Bitu, s/o Hardayal Singh, r/o Manochahal; [2] Manjit Singh, s/o Parkash Singh, r/o Manochahal; [3] Kashmir Singh, s/o Dalip Singh of Patti; and [4] Tarsem Singh, s/o Dharam Singh, r/o Kang village. Their post-mortem reports are marked as KKS 5/93, OPG 10/93, OPG 11/93 and OPG 12/93. All are reported killed in "police encounter".

The CCDP has the following information regarding Satnam Singh, Manjit Singh and Tarsem Singh from its Incident-Form Nos. CCDP/01553, 01554 and 01245. The main informants are Parkash Singh, father of Manjit Singh, and Gurnam Singh, father of Tarsem Singh, and Satnam Singh's mother Gurbachan Kaur and his brother Gurpreet Singh.

Twenty-year-old Manjit Singh, son of Parkash Singh and Mohinder Kaur, was a truck driver, from Manochahal village under Jhabbal police station in Tarn Taran sub-division of Amritsar district. His father, a Mehra Sikh, was a clerk at a brick kiln, and Manjit was the youngest of three brothers. Although a baptized Sikh, Manjit had no police record and had never been arrested.

Manjit was a close friend of Satnam Singh, son of Gurbachan Kaur and Gurdial Singh whose name has been wrongly reported in the CBI's list as Hardayal Singh.

Manjit and Satnam came from the same village and had attended a driving school together. Both found work at the camp of Baba Tara Singh, a religious leader who organized voluntary work for maintenance and repairs of the Sikh shrines, at Hanumangarh in Ganganagar district of Rajasthan. Manjit and Satnam were stationed at Hanumangarh and, apart from driving Baba Tara Singh's trucks, also did other odd jobs. Early June 1993, Manjit's brother Jassi also joined them at Hanumangarh camp.

In the first week of June 1993, the Tarn Taran's Sadar police, led by SHO Pooran Singh, arrested Satnam Singh's parents from their village house in Manochahal and brought them to Sadar police station. The police badly tortured both of them and forced them to reveal the whereabouts of Satnam Singh and Manjit Singh. The next day, the Tarn Taran police raided Baba Tara Singh's camp at Hanumangarh in Rajasthan and, arresting Satnam, Manjit, his brother Jassi and several others, brought them for interrogation to Tarn Taran's Sadar police station where Satnam's parents were already locked up. SHO Pooran Singh personally supervised their brutal torture, which lasted the next four days and was witnessed by Satnam's parents. On the fourth day, Gurbachan Kaur saw her son Satnam Singh naked, being carried away by four policemen. His body seemed limp and lifeless.

The next day morning, the police shifted Gurbachan Kaur and her husband to Tarn Taran city police station and, a few days later, released them from custody at the intervention of their relative Balwant Singh who was a police officer. When Balwant Singh asked the SHO about Satnam Singh and Manjit Singh, the police told him they would be released after they recovered from the effects of torture.

On 15 June 1993, newspapers published reports about the killing of five militants in an encounter with the Tarn Taran police. Four of them were identified as Satnam Singh and Manjit Singh of Manochahal village, Kashmir Singh of Patti and Tarsem Singh of Kang. The fifth person was declared unidentified.

Tarsem Singh, also known as Bagga, the son of Dharam Singh and Piar Kaur, was a 23-year-old unmarried Jat Sikh. He lived with his parents in the locality of Chhote Kang in village Kang under Sadar police station of Tarn Taran in Amritsar district.

Tarsem Singh was an Amritdhari Sikh and was intensely religious. In 1990, the Jalandhar police had arrested him once on the suspicion of having militant connections, while he was on his way to Ludhiana. He got out on bail after two months. Following his release, his family sent him away from Punjab in order to avoid police harassment. Tarsem Singh worked as a truck driver and rarely visited home.

In the beginning of June 1993, Chaudhary Gulzar Chand, SHO of police station Kang, started raiding Tarsem Singh's house to arrest him. The police would pick up the men of the family directing them to produce Tarsem Singh. This process continued for several days and when the police started to pick up the women, the family succumbed to the pressure and got in touch with Tarsem Singh and asked him to return home.

On 12 June 1993, his father Dharam Singh, *phuphar* (uncle) Dharam Singh and other people, produced Tarsem Singh before SHO Chaudhary Gulzar Chand of Kang police station. The Kang police were already holding several other Sikh young men in their custody. The attempts made by the family to get Tarsem Singh released from illegal custody, by meeting senior police officials of the district, did not yield results.

In the night of 14 June 1993, Tarsem Singh was killed along with four others in an

“encounter”. The CBI’s list identifies four of those killed. The list of unidentified cremations, Under serial no. 605/1032, shows the fifth anonymous cremation.

265 – 268: Under serial nos. 319/1043, 320/1044, 321/1045 and 322/1046, the list identifies four cremations on 12 July 1993, carried out by SHO Gurdev Singh of Sarhalli police station and mentioned under FIR no. 72/93. The cremations are of [1] Desa Singh, s/o Amar Singh; [2] Shinda Singh, s/o Bachan Singh; [3] Balkar Singh alias Kala, s/o Shingara Singh; and [4] Mangal Singh alias Manga, s/o Karnail Singh, all resident of Rawiwala. The post-mortem reports are marked as KSS 14/93, KSS 15/93, KSS 16/93 and KSS 17/93, and all are reported killed in a “police encounter”.

The CCDP has gathered the following information through its incident report form nos. CCDP/01352, 01411, 01412, 01413. The main informants are Desa Singh’s father Amar Singh, Shinda Singh’s cousin Harbhajan Singh, Balkar Singh’s brother-in-law Swaran Singh and Mangal Singh’s mother Mohinder Kaur.

Twenty-seven-year-old Shinda Singh alias Sawinder, s/o Bachan Singh, from Mazhabian Di Patti in Rani Walah village under Sarhalli police station of Tarn Taran sub-division in Amritsar district, was an special police officer (SPO) with the Punjab police. He was married to Ninder Kaur and had a son who is now nine. Ninder Kaur has since remarried.

Shinda Singh had been appointed an SPO on the recommendation of Joginder Singh Thekedar, a rich contractor of his village disliked by some Sikh militant organizations. Shinda Singh became his body-guard. Three other body-guards of Joginder Singh Thekedar were also SPOs from the same village. They were Desa Singh, s/o Amar Singh, Sukhdev Singh, s/o Piara Singh and Balkar Singh Bobby who was Joginder Singh’s own son. Desa Singh was 24 and unmarried. Sukhdev was married to Bholi and had a son who is now 15. Sukhdev was Joginder Singh Thekedar’s nephew.

In the last week of June 1993, SHO Gurdev Singh of Sarhalli Kalan police station raided Joginder Singh Thekedar’s house and arrested Shinda Singh, Desa Singh, Sukhdev Singh, Balkar Singh Bobby, all SPOs, and Daljit Singh, the brother of SPO Sukhdev Singh. Daljit Singh was a JCO with the 13 Sikh Light Infantry of the army who was visiting his village on leave and, by coincidence, was at Joginder Singh Thekedar’s house along with his brother that morning. The arrest had something to do with the investigation of a case of theft that had taken place in a nearby village of Sangatpura.

After arresting the four SPOs and Daljit Singh, an army officer, from Joginder’s house early in the morning, SHO Gurdev Singh led his team to the house of Balkar Singh, alias Kala, s/o Shingara Singh in the same village, to arrest him. Thirty-eight-year-old Balkar was originally from Ratta Khera village under Zira sub-division of Ferozepur district. But one of his sisters was married in Raniwala, and he had begun to live there along with his mother, his wife Shinder Kaur and three sons, the eldest being 16 now. When the police came to arrest him, Balkar was not home. The raiding police force then took his mother Taro, his wife Shinder Kaur and their children into custody and went back to Sarhalli Kalan police station.

The police then went to arrest Mangal Singh, a poor *Mazhabi* Sikh laborer and

the only son of his parents Karnail Singh and Mohinder Kaur from Karamuwala village, near post office Dhunn, under Harike police station in Tarn Taran sub-division of Amritsar district. Mangal was married to Ranjit Kaur and had a daughter who is now 12 years. Under serial no. 322/1047, the CBI's list of identified cremations wrongly mentions Mangal Singh's village as Raniwala. The mistake may have something to do with the fact that two of his married sisters live in Raniwala village. Later, the police also arrested Mangal's mother, his wife and other female relatives by claiming that they were in possession of goods stolen by him. Mangal's family members met all the arrested persons in Sarhalli Kalan police station and saw the injuries they had sustained from the torture.

Sarhalli police let off Taro and Shinder Kaur, Balkar Singh Kala's mother and wife, the next day when Joginder Singh Thekedar produced Balkar Singh Kala before SHO Gurdev Singh. Daljit Singh, the JCO and brother of SPO Sukhdev Singh, was released the same evening after some verification.

According to Daljit Singh, the SHO personally supervised the torture of Shinda, Sukhdev and Desa immediately after they reached the police station. After their brutal torture lasting several hours, the police took them back to their houses to supposedly recover the stolen property. According to eye-witnesses, their physical condition at that time was very poor and all three had to be dragged in and out of the police vehicle. The next day, Balkar Singh Kala was also brought to his house in the physically wrecked condition.

When the parents of the arrested boys visited the police station, the police told them that the investigation was in progress and they would release all the arrested persons in some days. Joginder Singh Thekedar also gave them the same assurance. His own son Balkar Singh was released on the third day after the arrest.

A few days later, Punjabi newspapers carried a report saying that three SPOs, Shinda Singh, Desa Singh and Sukhdev Singh had deserted their place of duty along with their weapons and wireless sets. The families, worried about the significance of this report, continued to visit the police station, but could not meet them. On 13 July 1993, newspapers reported an encounter near village Kaure Wadhaun in which Shinda Singh, Desa Singh, Balkar Singh Kala and Mangal Singh, s/o Karnail Singh from Karamuwala village, were said to have been killed. The families were neither informed about these killings nor were the bodies returned to them for cremation. The CBI's list identifies their cremations to have taken place on 12 July 1993.

The killing of Sukhdev Singh, s/o Piara Singh, along with two other unidentified militants, was reported by newspapers on 29 July 1993. The encounter had supposedly taken place near village Fazilka with Verowal police, led by SHO Subha Singh who had carried out the cremations, under FIR no. 44/93, on July 28. It is not clear why the CBI placed Sukhdev Singh's cremation in its list of partially identified cremations, Under serial no. 115/1051, when all his particulars, including his service record, have been available with the police. His post-mortem report is marked as KK 6/93, and his story is summarized in the relevant part of this report. The cremations of two unidentified bodies, under FIR no. 44/93, are recorded in the CBI's third list Under serial nos. 612/1052 and 613/1053. Their post-mortem reports are both marked as KK-7/93.

269 – 272: Under serial nos. 323/1047, 324/1048, 325/1049 and 326/1050, the

list identifies four cremations carried out by SHO Gurbachan Singh of Tarn Taran's city police station on 22 July 1993, under FIR no. 70/93. They are of [1] Karnail Singh alias Raju, s/o Darshan Singh, r/o Zeera Hal, Gali Gurudwarewali, Raiyya; [2] Karnail Singh, s/o Darshan Singh Mazbi, r/o Zeera; [3] Harjinder Singh, s/o Kishan Singh Mazbi, r/o Muradpura; and [4] Gulshan Kumar, s/o Chaman Lal Khatri, r/o Jandiala road in Tarn Taran. The post-mortem reports are marked as BL 47/93, BL 46/93, BL 48/93 and BL 49/93. The cause of death of Karnail Singh is given as "police encounter". The deaths of the other three are attributed to "firearm injuries".

The CCDP, through its incident report form no. CCDP/01425 and 00114, has the following information about Harjinder Singh and Gulshan Kumar. The main informants are Harjinder's mother Raj Kaur and Gulshan Kumar's father Chaman Lal.

Twenty-year-old Gulshan Kumar alias Kala was the eldest son of Chaman Lal and Seeta Rani. Chaman Lal, along with his five other children, lived in Gali Darshan Singh Wali on Jandiala road of Tarn Taran city and earned his livelihood selling vegetables. Chaman Lal, now 70, had migrated to Tarn Taran in 1947 from the western part of Punjab now in Pakistan. He received a plot of land in lieu of the property he had left behind on which he built a small house. For some years, Chaman Lal worked with the revenue department, but resigned from his job in 1954. Gulshan Kumar attended school and was in class VIII. He also helped his parents hawk vegetables.

Around 10.30 p.m. on 22 June 1993, a large police force, led by DSP Dilbagh Singh and SHO Gurbachan Singh Manochahal of Tarn Taran's City police station, came to Chaman Lal's house and ordered them to open the doors. On instructions from the DSP, the police rounded up all of the male family members present in the house and, calling them thieves, started thrashing them. Gulshan was especially targeted for rough treatment. The DSP and other officers repeatedly demanded that he confess about the thefts he had been involved in and produce all stolen goods. Unable to tolerate his torture, Gulshan started screaming. When a large number of neighbors approached the house to see what was happening, the police forced Gulshan, his brothers and his father into a police vehicle and took them away to Tarn Taran's City police station. During the search, the police had found and confiscated three gold rings, one wristwatch and Rs. 475 in cash. According to Chaman Lal, the police also tried to take his 18-year-old daughter Inderjit to the police station, but the neighbors intervened and prevented the police from doing so.

At the Tarn Taran City police station, SHO Gurbachan Singh Manochahal forced all of them to lie down with their faces to the floor and had them all thrashed. Police pulled apart Gulshan's legs at 180-degree angles. After his torture, Gulshan could not walk any more. The police continued to torture all the members of Chaman Lal's family in police custody for the next three days. On June 16, the police released Chaman Lal and one of his sons after a large group of eminent persons from Tarn Taran visited the police station to intervene on their behalf. Bobby and Balwinder, Gulshan Kumar's brothers, were released on June 28 and 30. But the police did not release Gulshan Kumar. They said that he would be released once he recovered from the injuries on his body.

A week later, DSP Dilbagh Singh demanded Rs. 200,000 for Gulshan's release. Chaman Lal was not in a position to pay so much money and pleaded with the DSP

to waive the ransom. The DSP told him that he had to raise the money if he cared to see his son alive. Chaman Lal then met SSP Ajit Singh Sandhu and apprised him of the demand being made by DSP Dilbagh Singh for his son's release. The SSP refused to intervene and told him to speak to the DSP himself. Chaman Lal met DSP Dilbagh Singh again and requested him to reduce the amount of money he was demanding. When the DSP refused to make any concession, Chaman Lal promised to try and raise the money. The DSP allowed Chaman Lal to visit his son in a police station and bring him food and a change of clothes.

But the police continued to torture Gulshan. Chaman Lal and his brothers who came to the police station witnessed his situation becoming increasingly critical. The last time Chaman Lal saw his son in the custody of Tarn Taran City police was on 22 July 1993. Gulshan was in a very bad state and could not move himself. Chaman Lal tried to feed him with his own hands, but Gulshan could not swallow the food.

Later that afternoon, Chaman Lal went to the police station again to bring a glass of tea for his son. A constable at the gate told him that a group of policemen had removed Gulshan and they might have killed him in an encounter. The constable advised him to visit the civil hospital and find out. Chaman Lal then went to the civil hospital and met Dr. (Mrs.) Karnail Kaur who had done the post-mortem on Gulshan Kumar's body. Dr. Kaur had recognized Gulshan Kumar as she often used to purchase vegetables from his shop.

On 23 July 1993, several newspapers published a report about an encounter near Palasaur Bridge in which Jarnail Singh and three other unidentified militants were reportedly killed by Tarn Taran police, led by SHO Gurbachan Singh Manochahal. The newspaper reports also carried a photograph which showed Gulshan Kumar among the three unidentified militants. The police carried out the cremations themselves and did not permit the family members to attend.

On 24 July 1993, Chaman Lal along with his brother Mohan Lal went to Tarn Taran City police station to ask why the police had killed his son as an unidentified militant, DSP Dilbagh Singh and SHO Gurbachan Singh Manochahal told them to keep their mouths shut and threatened to eliminate them in the same way if they made any complaints.

Gulshan Kumar's mother Seeta Rani was unable to bear the shock of his murder. She died from a heart attack two-and-a-half months after the newspapers reported his killing in an encounter as an unidentified militant.

On 8 August, 1996, CBI issued a public notice through newspapers, asking the people whose kith and kin had disappeared to file complaints with them in this regard. Accordingly, Chaman Lal submitted his written complaint to the CBI. Chaman Lal was later called to Tarn Taran City police station and threatened with serious consequences if he did not withdraw his complaint. SSP Jagdish Mittal summoned him to Amritsar three times and exhorted him to accept some money and make a compromise with the police officials responsible for his son's murder. Later, DIG Rajinder Singh gave him the same advice, but Chaman Lal has refused to compromise.

The CBI carried out the investigation and found the police officers *prima facie* guilty of the abduction and extra-judicial killing of Gulshan Kumar. Accordingly, the CBI filed a charge sheet in the court against the concerned police officers, namely DSP Dilbagh Singh, SHO Gurbachan Singh Manochahal, SI Balbir Singh, ASI

Devinder Singh and ASI Arjan Singh. The case is still pending for trial.

Chaman Lal also filed a writ petition before the High Court of Haryana and Punjab at Chandigarh through advocate Rajvinder Singh Bains. The petition, numbered Cr. W. P. No. 1409/96, is still pending.

According to Chaman Lal, Karnail Singh, s/o Darshan Singh, who was identified as a militant killed in the same encounter on 22 July 1993 was from village Muradpura, under Tarn Taran sub-division of Amritsar district. His brother Jarnail Singh was also killed in the same encounter. The third unidentified militant was also, according to Chaman Lal, a resident of the same village, Muradpura. But the CBI's list, Under serial nos. 323/1047 and 324/1048, shows the cremations of two persons identified as Karnail Singh, s/o Darshan Singh. The list gives the address of the first Karnail Singh alias Raju, s/o Darshan Singh as Zeera Hal, Gali Gurudwarewali, Raiyya. The address of the second Karnail Singh, s/o Darshan Singh Mazbi, is given as Zira, which is a sub-division in Ferozepur district.

Twenty-year-old Harjinder Singh, s/o Kishan Singh Mazbi, was the third person killed in the same encounter. A mechanic who worked in a factory that made weighing machines, Harjinder was from village Muradpura, under Ward No. 3, also called Jand Pir under Tarn Taran City police station. He was married to Raj Kaur with a son who is now nine years old. Harjinder was a clean-shaven Sikh, had no religious or political associations and was gainfully employed. The police had never arrested him before.

In the third week of June 1993, a group of officers from Tarn Taran's Sadar police station, led by SHO Pooran Singh, raided Harjinder's house, took him into custody and beat him in front of his wife. Later, they took Harjinder to the police station, and did not allow family members to meet him there. The family found out about his death in an encounter on 22 July 1993 from a photograph that appeared in newspapers on July 23. The newspaper reports described him as an unidentified militant.

His father Kishan Singh was unable to bear the shock of his son's murder and died from grief nine months later.

273 – 274. Under serial nos. 327/1056 and 328/1057, the list identifies two cremations on 5 August 1993, carried out by the SHO of Jhabbal police station under FIR no. 71/93. They are of: [1] Paramjeet Singh alias Pamma, s/o Sulakhan Singh, r/o Panjwar; and [2] Sukhdev Singh alias Bittoo, s/o Puran Singh, r/o Butchar Kalan. The post-mortem reports are marked as KSS 19/93 and KSS 20/93. The cause of death is given as “police encounter”.

The CCDP has acquired the following information about Sukhdev Singh through its incident report form no. CCDP/01610. The main informant is the victim's brother Baldev Singh.

Twenty-five-year-old Sukhdev Singh, son of Pooran Singh and Gurmej Kaur, was a resident of village Bhuchar Kalan, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. His was a family of baptized, devout Sikhs who had traditionally identified itself with the politics of the Akali Dal.

Sukhdev's older brother Paramjit Singh had participated in the agitation of the Akali Dal, launched in July 1982, to obtain a radical measure of autonomy for Punjab and, as a close follower of Jarnail Singh Bhindranwale, had died defending the Golden

Temple against the army's assault in June 1984. Their eldest brother Baldev Singh was then a soldier of the army. In the wake of the Golden Temple's destruction, Baldev Singh, along with thousands of Sikh soldiers, deserted his position in protest. Baldev Singh was later court-martialed and jailed for several years. Because of these connections, the police viewed Sukhdev's family members with suspicion and harassed them with frequent raids, arrests and interrogation.

One day in July 1993, a group of police officers from Haryana raided Sukhdev Singh's house and, after searching his house and the agricultural farm, took him away in their custody. The Haryana police had been accompanied by a young *Mazhabi* Sikh, Paramjit Singh from Panjwar village, who had confessed to his militant connections and to using Sukhdev Singh's house for shelter. Haryana police tortured Sukhdev Singh and, on the basis of his confessions under torture, implicated him in several cases of terrorist crimes under TADA. Later, the Jhabbal police demanded his custody and obtained a magisterial order for his remand. The police brought both Sukhdev Singh and Paramjit Singh to Tarn Taran for further interrogation.

Sukhdev's family became apprehensive and tried to contact influential political figures in their area to intervene with the police on his behalf and save his life from an "encounter" killing. The political leaders could not help. On 6 August 1993, several newspapers reported the killing of Sukhdev Singh along with Paramjit Singh and another unidentified militant, in an "encounter" that occurred when a group of militants allegedly tried to rescue them from police custody when they were being taken for recovery of arms.

The CBI's third list, Under serial no. 616/1058, records the third anonymous cremation.

275 - 276. Under serial no. 329/1066, the list identifies the cremation of Harmandeep Singh alias Kaka, s/o Prem Singh, resident of Jandiala Road in Tarn Taran on 7 September 1993, carried out by SI Teg Bahadur Singh of Bhikhiwind police station under FIR no. 44/93. The post-mortem report is marked as KS 38/93 and the cause of death is described as "police encounter". Under the same FIR, SI Teg Bahadur Singh carried out four more cremations on 13 September 1993. One of them is mentioned in the list of identified cremations Under serial no. 330/1070. It is of Jaswant Singh alias Jassa, s/o Bir Singh, and r/o Dhun. The post-mortem report is marked as KS 40/93. Three other anonymous cremations on 13 September 1993 belong to the CBI's third list Under serial nos. 624/1067, 625/1068 and 626/1069.

The CCDP has gathered the following information about the case of Harmandeep Singh through its incident report form no. CCDP/01086. The main informant is the victim's sister-in-law Baljit Kaur.

The actual name of the man identified by the CBI as Harmandeep Singh alias Kaka, s/o Prem Singh, Under serial no. 329/1066 of its list of identified cremations, was Harmesh Kumar. He was 27-years-old, Hindu by birth and employed at a shelling factory at Tarn Taran owned by Chacha Chowdhry. Harmesh Kumar was unmarried and, at the time of the fake encounter, lived with his older brother Badri Nath and his mother Prakash Devi in a rented house at Ujagar Singh Gali on Jandiala road in Tarn Taran city. His father, who died in December 1997, was Khem Chand. The CBI's list identifies him as Prem Singh.

Though Harmesh Kumar was born a Hindu and a Brahmin, he was influenced by the Sikh religious message and used to visit the historical gurdwara at Tarn Taran every day. Harmesh was not associated with any political or militant groups and had never been arrested or interrogated.

In the evening of 14 August 1993, a large police force, led by SP (operations) Khubi Ram and also comprising several senior officers including DSP Gurmeet Singh, DSP Dilbagh Singh, DSP Paramjit Singh Teja, inspector Ram Nath of the CIA staff, SI Teg Bahadur Singh and ASI Sukhdev Joshi, raided Harmesh Kumar's house in Tarn Taran. The family had gathered for dinner and was taken aback when the police force stormed into the house and pounced on Harmesh Kumar and Badri Nath, tied their hands behind their backs, blindfolded them and forced them into a police vehicle. When their mother Prakash Devi panicked and started crying, the police officers abused her and ordered her to keep quiet. Apprehending that the policemen might manhandle her, Badri Nath exhorted her to remain calm. As an old woman, she could not do very much anyway.

For the next six days, the police brutally tortured Badri Nath and Harmesh Kumar at the CIA staff interrogation center at Tarn Taran. Their interrogators accused them of maintaining links with Sikh militants and ordered them to confess. Both brothers kept denying the accusations. Their torture continued. In the course of their interrogation, they witnessed the same policemen shave off three Sikhs before taking them out to be killed. After six days, both Badri Nath and Harmesh Kumar could not stand on their legs because of the torture. DSP Dilbagh Singh then took them to a quarter belonging to a Punjab police constable and locked them up there in a room. Their interrogation under torture continued relentlessly. Harmesh Kumar lost consciousness a number of times. Some days later, late in the evening, DSP Paramjit Singh Teja and sub-inspector Teg Bahadur Singh took Harmesh Kumar out in their vehicle after telling Badri Nath that they had received instruction to release Harmesh, and that they would let him off too some days later. Badri Nath remained confined to the constable's quarter within the compound of DSP Dilbagh Singh's office where, fortunately, one of his friends, Jagjit Singh Jaggi, s/o Pratap Singh saw him. In the next few days, Jagjit Singh and several other friends of Badri Nath met DSP Dilbagh Singh to plead for his release. The DSP demanded Rs. 200,000 and threatened to kill Badri Nath if the money was not paid within a week. Badri Nath's friends took the threat seriously and procured his release around 15 September 1993 after paying DSP Dilbagh Singh the amount demanded.

Following his release, Badri Nath realized that his brother Harmesh Kumar had disappeared. Badri Nath's own physical condition, from his protracted torture, was critical and he could not move for several weeks. There was no one else in the family to pursue the case of Harmesh Kumar. Badri Nath's friends showed him the copy of *Punjab Kesari*, a Hindi newspaper, dated 4 September 1993, which carried a newsreport about the killing of Harmandeep Singh, son of Khem Singh, resident of Jandiala road, along with four unidentified accomplices, in two separate police encounters. The news report, based on a briefing given by SSP Ajit Singh Sandhu, described them as dreaded militants belonging to the Babbar Khalsa.

The news report, however, does not explain the discrepancy in the dates and numbers of cremations carried out under the same FIR no. 44/93: Why was Harmandeep Singh cremated on September 7 when the encounters were reported in

a newspaper dated 4 September 1993? Why were Jaswant Singh alias Jassa, s/o Bir Singh and three unidentified bodies, Under serial nos. 624/1067, 625/1068 and 626/1069, cremated by SI Teg Bahadur Singh on 13 September 1993?

Some days after Badri Nath came out of police custody, DSP Dilbagh Singh came to the house and took him again to Tarn Taran City police station. He was released, following intervention from the SSP, after Badri Nath promised not to pursue the case of his brother. Badri Nath was unable to do anything until the CBI, under orders from the Supreme Court, started its investigation into the matter of secret cremations. Badri Nath wrote a petition and met the CBI officers at their transit office in Amritsar who, however, refused to accept it. The CBI officers told him that they had already completed their investigations and were not going to accept any more complaints.

In early 2000, police officers belonging to Tarn Taran City police station again abducted Badri Nath from his house. They released him after he paid his abductors Rs. 5000 and promised not to pursue the case of his brother. Later, Badri Nath complained to the NHRC about his abduction by Tarn Taran police and also mentioning the bribe he had to pay and along with a guarantee that he would not pursue the case of his brother. The NHRC acknowledged his complaint, vide a letter No. 100/19/2000-2001, dated 11 July 2000. The letter of acknowledgement, signed by assistant registrar (law division), also said that his complaint was being forwarded to the SSP Tarn Taran for an inquiry. No one came to meet Badri Nath to ask him about his complaint and he does not know what became of the inquiry.

Badri Nath and his mother now live in Muradpur, near the Food Corporation of India's godown, in Tarn Taran city.

Cremations in the Police District of Amritsar

277. Under serial no. 53/1, the list identifies the cremation of Tejinder Singh, s/o Roor Singh from Thoru village in Tarn Taran on 18 April 1988, carried out by Amritsar's Sadar police station under FIR no. 173/88. The post-mortem report is said to be unavailable and the cause of death is given as "bullet injuries".

The CCDP has acquired the following information through its incident report form no. CCDP/01384. The main informant is the victim's father.

Twenty-five-year-old Tejinder Singh, s/o Aroor Singh, was a resident of Patti Taal Wali in village Tharu within Tarn Taran sub-division of Amritsar district. After completing his school examination, Tejinder worked in the clinic of a medical doctor and some years later set up his own private practice at village Panjwar.

Around 1985, Tejinder was arrested by Bhikhiwind police on the allegation that he was helping Sikh militants. He was charged under TADA and sent to Nabha jail. Some time later, Tejinder was shifted to Amritsar jail where he remained confined until April 1988. On 18 April 1988, two constables came to Tejinder's house in Tharu village to inform his family about his death. Aroor Singh, accompanied by two village elders, immediately went to Amritsar's Sadar police station. Aroor Singh was asked to go to the civil hospital where he found out that, after the post-mortem, the

police had taken away the body to Durgiana Mandir cremation ground. By the time Aroor Singh reached there, Tejinder's body had already been cremated. But some policemen still present there told him that Tejinder Singh had been killed when he attempted to escape from police custody.

A Punjabi newspaper *Ajit* apparently carried a report about the incident on 19 April 1988. But the family has since lost its copy. Although Aroor Singh was convinced that the story of his son's attempted escape from the police custody was fake, he was unable to pursue the case because of police terror in Punjab, which was at its peak at this time.

278. Under serial no. 88/6, the list identifies the cremation of Nishan Singh, s/o Bahadur Singh from Rainian village, carried out by ASI Lal Singh of Amritsar's Sadar police station on 7 July 1989. The list does not give an FIR no. Also, there is no reference to a post-mortem report. The cause of death is given as "police encounter".

The committee has acquired the following information through its incident report form no. CCDP/00461. The main informant is the victim's father Bahal Singh.

Twenty-five-year-old Nishan Singh, a graduate student at Khalsa college in Amritsar, was a resident of Ranian village under Lopoke police station in Ajnala sub-division of Amritsar district. His father's name was Bahal Singh and not Bahadur Singh as given in the CBI's list. He was a farmer with 12 acres of land, which he irrigated with a tube-well. Nishan Singh was married with two children. But his wife has since remarried and the family does not know of her whereabouts.

Nishan Singh used to leave for his college every morning and return home in the evening. According to his family, he had no political or militant links. Early in the morning on 18 June 1989, a large police force supported by a unit of the CRPF, surrounded Bahal Singh's house, stripped him naked and forced him to disclose the whereabouts of Nishan Singh who was sleeping in the tube-well room on his farm. Nishan Singh was arrested, and taken away to Amritsar. After repeated inquiries, Bahal Singh was told to come to Sadar police station the next morning.

Bahal Singh, accompanied by his brother Dilip Singh and five village elders reached Sadar police station the next morning only to learn the police had shifted his son to B. R. Model School interrogation center in the middle of the city. The police did not allow Bahal Singh to enter the interrogation center, but he continued to wait outside everyday in the hope of catching the attention of some officer.

On 20 June 1989, SSP Sanjiv Gupta of Amritsar produced Nishan Singh before a group of journalists in the city. Nishan Singh told them that he belonged to a group of Sikh militants called the Bhindranwale Tigers Force and had been responsible for several incidents of bombing in Punjab and even in Delhi. He confessed to having placed a bomb at a Delhi railway platform on 12 June 1989 that had killed several people. SSP Sanjiv Gupta told the media that a joint team of Punjab police and the CRPF, led by SP (operations) Harbhajan Chand, had arrested Nishan Singh and Balbir Singh from Putli Nagar area in Amritsar on June 19 night from village Mahal. The two men were driving a scooter with the intention of carrying out a terrorist crime. They were armed with AK-47 rifles, plastic explosives, hand grenades and other implements used for bombing.

After reading reports about the press conference, the confessions his son had made and the false statement of the SSP about his arrest, Bahal Singh became very worried and went back to the B. R. Model School interrogation center along with a man who was known to have good relations with Amritsar police officials. On reaching the interrogation center, Bahal Singh and his companions saw that Nishan Singh, his hands tied to his back and blindfolded, was being taken out in a police vehicle. Bahal Singh panicked under the impression that they were taking Nishan away to be murdered and started screaming. Some policemen escorting Nishan Singh in the vehicle told him that they were going to produce Nishan Singh before a court and asked him to come there himself. Bahal Singh waited at the designated court the whole day, but his son was not produced. He then went back to the Sadar police station and, there at the gate, started crying.

One police head constable took pity on him and escorted him inside to the cell where Nishan Singh and five or six other young boys were locked up. Nishan Singh, who had obviously been tortured, could not move himself. Bahal Singh gave some money to the head constable who allowed him to buy some tea and refreshments for the boys. Nishan Singh told his father that he had cooperated with the police to save his life and that he hoped to be booked under TADA and sent to jail.

But Nishan Singh remained in police custody and Bahal Singh could not meet him again. After 14 days, the police again produced him before a magistrate, quietly in the magistrate's house, who remanded him to the custody of Kotwali police for interrogation in connection with another case. Bahal Singh then went to Kotwali police station and requested an officer there for a brief meeting with his son. The officer started abusing him and ordered him to leave.

The same evening, he heard a radio report about the death of his son in an encounter. The print media also prominently published the story the next morning. The reports quoted the police sources as claiming that a group of terrorists waylaid the police van near village Dhol and opened fire when Nishan Singh was being taken for recovery of more weapons. Nishan Singh, the report said, died in the cross-fire.

On July 7 morning, Bahal Singh went back to Sadar police station to ask for his son's body. He was told to go to the civil hospital on the Majitha road where it had been sent for a post-mortem report. Policemen at the hospital refused to let him go near the body and instructed him to first obtain permission from a senior police official to carry out the cremation. Bahal Singh started weeping and was able to persuade the officer in-charge of the body to let him go to Seetla Mandir cremation ground in Amritsar and even to light the pyre. But he was not allowed to collect the mortal remains.

Bahal Singh moved an application before a court in Amritsar, through advocate Sarbjit Singh, for permission to collect the mortal remains of his son for the last rites, but the court refused to pass any order. Eventually, after several weeks, he managed to meet SSP Sanjiv Gupta who directed the Lahori Gate police station to hand over to him his son's ashes for ritual immersion in a river.

We do not know what happened to the second person shown to have been arrested along with Nishan Singh. The CBI's list of unidentified cremations, under the Serial nos. 90/75 and 94/75, shows two cremations carried out by Ajnala police on 21 July 1989 and 24 July 1989 within the Majitha police district. However, in the absence of FIR numbers, we cannot suggest a connection.

279 – 280. Under serial nos. 121/7 and 122/8, the list identifies two cremations on 30 August 1990, carried out by the SHO of Sadar police station in Amritsar stated in FIR no. 439/90. They are of [1] Parminder Singh alias Dalour, s/o Amrik Singh, r/o Kali Santra near Khemkaran; and [2] Narinder Singh, s/o Pyara Singh from Khawali. There are no post-mortem report numbers. The cause of death is given as “police encounter”.

The committee has acquired the following information through its incident report form no. CCDP/00327. The main informant is Narinder’s mother Jagir Kaur.

Narinder Singh’s actual name was Harinder Singh. His village mentioned in the CBI’s list as Khawali is actually Kohali under Lopoke police station in Ajnala sub-division of Amritsar district. He was 22, unmarried and used to live with his parents Piara Singh and Jagir Kaur.

Amritsar police had arrested and interrogated Harinder under torture twice. Harinder was religious and used to frequent the Golden Temple and other historical Sikh shrines in Punjab. This brought him under suspicion.

On 16 July 1990, Harinder Singh and his family were driving to the historical shrine of Baba Budha Sahib in his tractor when a group of policemen in a jeep abducted him from the road near village Bhakna. For the next 20 to 25 days, the family made many rounds of police stations in Amritsar district, but could not trace him.

In the second week of August 1990, Harinder’s family received a visitor who refused to disclose his identity but informed them that Harinder was under interrogation at the B. R. Model School interrogation center at Amritsar. On receiving this information, the family got in touch with Mohan Singh Mallian, an influential Akali leader, who arranged for Jagir Kaur to meet Harinder briefly inside the interrogation center. Harinder told her that the police had severely tortured him and they were holding him along with Parminder Singh, son of Amrik Singh from Kalian Sanktran village under Tam Taran sub-division of Amritsar district. The CBI’s list mentions his village as Kali Santra.

Due to the efforts made by Mohan Singh Mallian, the police produced both Harinder Singh and Parminder Singh before a court and, claiming to have arrested them after an encounter, asked for two days of investigative remand. The magistrate granted the remand. Harinder’s family produced copies of telegrams sent to various authorities after his abduction on July 16 to assert that the police claim of arresting him following an encounter was false. The court refused to admit their submissions. The families of the two boys were, however, not excessively worried about their custodial elimination because the police had chosen to produce them before a court.

On 30 August 1990, the family members of Harinder Singh and Parminder Singh waited outside a court in Amritsar where they were to be produced for further process. But they waited in vain. The police did not produce Harinder and Parminder.

The next day, newspapers published a story about an encounter, based on a statement issued by SSP Sanjiv Gupta, stating that Parminder Singh and Harinder Singh were killed in the cross-fire when a group of militants tried to rescue them near Bahoru village in the night of August 29. The SSP’s statement claimed that the encounter occurred when police were returning with the militants, belonging to the Khalistan Liberation Force, after recovering weapons hidden in Jhabbal area.

The police carried out the cremations at Seetla Mandir cremation ground in

Amritsar on 30 August 1990 while the families waited outside the court where their sons were supposed to have been produced.

281 – 284. Under serial nos. 160/11, 161/12, 162/13 and 163/14, the list identifies four cremations carried out by the SHO of Amritsar’s Sadar police station on 23 February 1991. There are no FIR or post-mortem report numbers. The cremations are of [1] Dalbir Singh, s/o Karnail Singh, r/o Islamabad; [2] Rajinder Singh, s/o Preetam Singh, r/o Gurunanak Pura, Amritsar; [3] Vijay Kumar, s/o Joginder Pal Pandit, r/o Islamabad; and [4] Harish Chander, s/o Inderjit, r/o Nawakit. The cause of death is given as “bullet injuries”.

The committee has gathered the following information through its incident report form no. CCDP/01175 about the case of Rajinder Singh. The main informant is the victim’s mother Narinder Kaur.

Twenty-five-year-old Rajinder Singh was a welder who lived in House No. 1400, Gali No. 13, Guru Nanakpura, post office Jwala Flour Mill under Islamabad police station of Amritsar. Rajinder Singh, a clean-shaven Sikh, was unmarried and used to live with his parents Preetam Singh and Narinder Kaur. He had no political association and had never been arrested.

In the first week of February 1991, Amritsar police arrested Rajinder Singh and four other young men on suspicion of their involvement in robberies in the city. The police held them illegally for more than 10 days, interrogated them under torture, and then implicated them in two separate cases registered at Amritsar’s Sadar and ‘B’ Division police stations. The case registered at Sadar station under FIR no. 622/90 charged them with offences under sections 457 [house-trespass or house-breaking by night] and 380 [theft in dwelling-house] of the IPC. The second case registered at ‘B’ Division police station under FIR no. 32/91 charged them with sections 395 [dacoity in the assembly of five or more persons] of the IPC, sections 25/54/59 of the Arms Act and section 3, 4 and 5 of TADA. They were produced before a court in Amritsar, which committed them to further police remand. Rajinder Singh and four others were in the custody of Sadar police station on 23 February 1991 when they were reportedly killed in an encounter.

The story about the encounter published by several newspapers, including *Ajit*, on 24 February 1991 was full of contradictions and raised more questions than it is possible to answer on the basis of available information. Some newspapers reported that the encounter had occurred near village Bhittowidd. Others quoted SSP Sanjiv Gupta as saying that the encounter had taken place near village Nawan Kot. Later reports placed the encounter at village Ghoshabad. According to one story, a police force led by SHO Mohinder Singh of Sadar police station was allegedly taking the five criminals to recover their arms and ammunition and also to nab their other accomplices. On the way, a group of militants lying in ambush attacked the police vehicle in which the five were traveling and started firing indiscriminately. The police returned fire and, in the exchange that resulted, all five militants in police custody were killed. Their names were given as Gurbachan Singh, Dalbir Singh, Rajinder Singh, Vijay Kumar and Harish Chander. Punjabi newspaper *Ajit*’s staff reporter from Amritsar quoted the SSP’s clarificatory press statement, that said that all the five arrested on February 6 were not militants, but criminals involved in dacoities and

bank robberies. The SSP's press statement also claimed to have recovered from them two million rupees in cash and even more in gold ornaments.

The CBI lists only four cremations, from Serial no. 160/11 to 163/13, whereas the SSP's statement and the press reports identify five persons killed in the alleged encounter. The press reports identify the fifth person killed in the encounter and not mentioned in the CBI's list of cremations as Gurbachan Singh, s/o Karnail Singh. Surprisingly, the CBI's list of unidentified cremations shows, from Serial no. 123/154 to 127/158, that Sadar police station burnt five bodies on 23 February 1991. Were these separate cremations linked to the four shown in the CBI's list of identified cremations from Serial no. 160/11 to 163/13? Was the fifth cremation in the unidentified list of Gurbachan Singh, s/o Karnail Singh? Was Gurbachan Singh a brother of Dalbir Singh as the common father's name suggests?

The list of four cremations in the CBI's identified list cannot be complete because the offence under section 395 of the IPC, invoked by FIR no. 32/91 registered at 'B' Division police station, by its very definition requires that there must be an assembly of five or more persons.

But then what sense should we make out of the SSP's clarification that the persons killed in the encounter were not militants and terrorists, but pure criminals when the aforementioned case registered against them at 'B' Division police station also invokes sections 3, 4 and 5 of TADA?

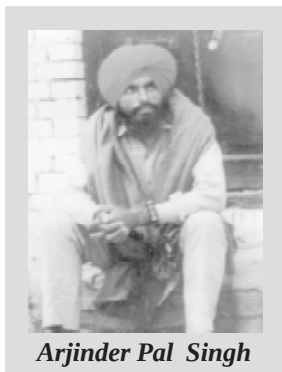
Finally, are the claims of recovery and seizure of two million rupees and more valuable gold ornaments supported by the fulfillment of required procedure under section 457, 451 and 452 of the CrPC?

285. Under serial no. 167/16, the list identifies the cremation of Arjinder Singh alias Tony, s/o Chain Singh, r/o Karail, Amritsar, carried out by head constable Kashmir Singh of Amritsar's Sadar police station on 21 March 1991, under FIR no. 158/91. The post-mortem is marked as 295/91 and the cause of death is mentioned as "bullet injuries".

The CCDP has gathered the following information through its incident report form no. CCDP/01088. The main informant is the victim's father Chain Singh Dhillon.

Twenty-four-year-old Arjinder Pal Singh, son of Chain Singh Dhillon, was a JCO, with the rank of lance naik, resident of Mane Ki Patti in Kasel village under Sarai Amant Khan police station in Tarn Taran sub-division of Amritsar district. His family was distinguished by the virtue of its participation in India's freedom struggle against British imperialism. His grandfather Bakhshish Singh had spent seven-and-a-half years in prisons for his participation in the revolutionary movement in Punjab. He was also a prominent figure in the movement to reform the Sikh gurdwaras that led to the establishment of the SGPC in 1925. Arjinder Pal Singh's father Chain Singh Dhillon is a respected farmer of the village. Arjinder Pal Singh had three brothers: Aarsal Singh, an officer in Canara Bank; Muhabbat Pal Singh, a draughtsman in the Canal Irrigation Department of Punjab government posted at Thien Dam and Kulwinder Singh, a technical operator in the telephone department. Their only sister Baljit Kaur, now married, is a post graduate.

Arjinder Pal Singh himself was married to Paramjit Kaur but had no children. As an army officer posted at Sagar in Madhya Pradesh, he had no political associations



Arjinder Pal Singh

and had no criminal record until October 1989. In that month, unfortunately, Arjinder Pal decided to come home on leave and became a victim of the corruption and waywardness of the local police. On 13 October 1989, he was arrested by inspector Major Singh of Jhabbal police station and implicated in three criminal cases registered in 1987 under sections 302 [murder], 307 [attempt to murder], 147 [rioting] and 149 [belonging to an unlawful assembly guilty of offence committed in prosecution of common object], and sections 25/54/59 of the Arms Act and section 3 of TADA. The designated court of J. S. Sandhu at Amritsar released him on bail on 19 May 1990, and then finally acquitted

him of all charges on 2 August 1990.

After Arjinder Pal Singh came out on bail, the Amritsar police began to detain him illegally and interrogate him under torture about his suspected militant connections. In the meantime, because of his imprisonment on criminal charges, Arjinder Pal had lost his job with the army. He had also become very bitter about his exposure to state repression in Punjab. On 20 February 1991, the police raided his house once again and abducted his nephew Kanwal Nain Singh who eventually disappeared. Arjinder Pal Singh organized a protest against the police excesses.

Early morning on 18 March 1991, DSP Gurdev Singh and inspector Mohinder Singh from Amritsar's Sadar police station once again raided his house, with a group of 15 to 20 policemen, and abducted Arjinder Pal Singh. They took him away without disclosing to the family either his offence or the place where they were taking him. However, Chain Singh Dhillon used his local connections to find out that his son was being held at Sadar police station in Amritsar and managed to meet him there on 20 March 1991. Arjinder Pal Singh was in bad shape and complained of cold. Chain Singh gave him the shawl he was wearing, and promised to come back with more clothes. However, he was not allowed to see his son again when he returned to the police station the next day.

On 22 March 1991, Chain Singh read a report in newspapers stating that a dreaded militant named Arjinder Singh, s/o Chain Singh, had been killed in a fierce encounter with the Amritsar Sadar police on the canal bridge near village Bohru. The police carried out the cremation without informing the family and Chain Singh was unable to do anything because of the police terror.

In 1997, through advocate Rajvinder Singh Bains, Chain Singh moved a petition before the Punjab and Haryana High Court praying for an independent inquiry into the circumstances in which his son had been abducted and killed. The high court dismissed the petition, marked writ petition no. 29677 of 1997, on the ground that many years had lapsed since the incident happened. Eventually, on request from the advocate, the petition was dismissed as withdrawn and Chain Singh submitted a representation to the Punjab director-general of police (DGP) asking for an inquiry into the killing of his son and grandson. The representation failed to inspire any action.

286. Under serial no. 168/17, the list identifies the cremation of Kuldeep Singh

Mangli, s/o Gurjit Singh, r/o Malhi (Verowal), carried out by the SHO of A Division police station on 24 March 1991, under the FIR no. 66/91. The post-mortem report number is not given. The cause of death is said to be “bullet injuries”.

Under the incident report form no. CCDP/01637, the CCDP has gathered the following information about Kuldeep Singh's case. His uncle Master Harjit Singh is the main informant.

Twenty-six-year-old Kuldeep Singh, son of Surjit Singh and Surinder Kaur, was a resident of Sarhalli Khurd village under Verowal police station under Khadur Sahib sub-division of Amritsar district. His parents were divorced and his father Surjit Singh was living abroad. Kuldeep joined the Border Security Force (BSF) after completing his matriculation in 1983. In May 1984, Kuldeep came to his village on leave and went to visit the Golden Temple when the army was about to launch its assault. Kuldeep was trapped inside the Golden temple even as Amritsar came under a curfew. Kuldeep was arrested after the army operation and detained under the National Security Act, 1980, at Jodhpur jail in Rajasthan till 1989. The police continued to raid his house even after his release. He had already been dismissed from the army. He was picked up illegally and tortured under interrogation. Kuldeep was finally fed up by interminable harassment and decided to quit his home to join the militant underground. His mother too had to go away to live with her brother to avoid illegal arrest and torture. Only his uncle Harjit Singh lived in the village.

Around 21 March 1991, Harjit Singh found out that his nephew Kuldeep had been arrested in Amritsar city and informed his mother Surinder Kaur about it. According to Harjit Singh, she went to Amritsar immediately and tried unsuccessfully to find some influential political person to intervene on her son's behalf.

On 25 March 1991, several newspapers reported the death of Kuldeep Singh. The reports said that surrounded by the police, Kuldeep Singh, a militant resident of Sarhalli village, committed suicide by consuming cyanide. The police carried out the cremation without informing the family.

It is indeed surprising that the CBI's list mentions the cause of death to be “bullet injuries” and does not refer to a post-mortem report.

287 – 289. Under serial nos. 186/20, 187/21 and 188/22, the list identifies three cremations carried out on 5 July 1991 by ASI Santokh Singh of Amritsar's Sadar police station under FIR no. 362/91. They are of [1] Nirvail Singh, s/o Darbara Singh, r/o Jagatpur; [2] Sukhbir Singh, s/o Attam Singh, r/o Thake; and [3] Jagdish Masih, s/o Gurdayal Masih, r/o Turdi (TT), Khaparkheri. The list does not mention post-mortem report numbers and gives the cause of death as “bullet injuries”.

The CCDP has acquired the following information through its incident report form nos. CCDP/01314, regarding the case of Nirvail Singh, and the more informative Incident–Report form nos. CCDP/01472 and 01488 about the cases of Kulwant Singh and Sukhbir Singh, respectively. The main informants are the fathers of Nirvail Singh, Kulwant Singh and Sukhbir Singh. They are Darbara Singh Dhillon, Mahal Singh Fauji and Aatma Singh Dhillon. The name of Sukhbir Singh's father is Aatma Singh Dhillon, which is wrongly mentioned as Attam Singh. He was a resident of Thande village and not Thake village as given in the CBI's list. Kulwant Singh's father's

name is also wrongly mentioned as Harbans Singh, his real name being Mahal Singh.

Eighteen-year-old Nirvail Singh, son of Darbara Singh Dhillon, was a class X student from village Jagatpur, under post office Thathgarh, in Amritsar district.

In early 1990, Jhabbal police arrested Nirvail, while he was on his way to Amritsar, on the suspicion of having links with militants. They brutally tortured him for 16 days in illegal custody. The family secured his release after paying the police a bribe. After his release, Nirvail told his parents that following his experience of torture and humiliation in police custody, he could no longer be able to lead a normal life. He left home. His family lost all contact with him.

On 4 July 1991, Amritsar police orchestrated a fierce encounter near Kirtanpur and claimed to have killed four dreaded militants, including Nirvail Singh. The elaborate drama of this encounter became a talking point in Amritsar and Darbara Singh learnt that his son had been killed. Although the police did not inform the family about the cremation, he went to Durgiana Mandir cremation ground the next day and saw the body of his son and three others burning on the pyres. One of them was Kulwant Singh, s/o Mahal Singh, whose cremation, Under serial no. 189/27, figures in the CBI's second list of partially identified cremations. His story is summarized in the appropriate section.

The case of 30-year-old Sukhbir Singh alias Sukha is surreal. The youngest son of Aatma Singh and Harbans Kaur, residents of Thande village, post office Jwala Flour Mill, under Sadar police station, in Amritsar, he had migrated to the United States in 1985 and worked as a taxi driver. This was a lucky turn in the life of a man who had contracted polio in his childhood and, therefore, walked with a heavy limp. According to his father, Sukhbir became an American citizen and, got married to Rajwant Kaur. In 1991, Sukhbir was visiting his family in Punjab. Aatma Singh points out that Sukhbir had no political background and had never been arrested by the Punjab police.

Around 9 a.m. on 4 August 1991, Sukhbir joined a number of other passengers in a three-wheeler taxi heading to Amritsar city. A group of Punjab police officers assisted by the CRPF had set up a check-post at Kirtangarh village, not far from Thande, where the taxi was stopped for a routine check. The police told all passengers to get out for a body search. A commuter who had taken a seat next to Sukhbir in the auto became nervous and tried to run away towards the fields. Some policemen and the CRPF personnel ran behind him and some others, in a panic reaction, took Sukhbir into their custody. According to many eyewitnesses, some policemen beat Sukhbir on the road when he protested telling them he was an American citizen. The police then dragged Sukhbir away to a house in Kirtangarh that they had taken over to interrogate suspects, and brutally tortured him and gave electric shocks. Many residents of Kirtangarh heard him screaming under torture.

Some hours later, the security forces arrived in strength to orchestrate the encounter near village Khapar Kheri, half-a-kilometer from Thande, and Sukhbir was killed along with Nirvail Singh, Kulwant Singh and Jagdish Masih. The police carried out the cremations without informing their family members. Sukhbir's widow Rajwant Kaur and their 11-year-old son Jangbir still live in the US.

According to Aatma Singh, the police also killed Sukhbir's cousin Sukhwinder Singh, son of Mukhtiar Singh, r/o village Brar in Amritsar district, in a separate incident.

290. Under serial no. 195/23, the list identifies the cremation of Beer Singh, s/o Birsa Singh, r/o Khaparkheri, Chhearta in Amritsar, carried out by SHO Charan Das of 'B' Division police station on 30 July 1991, and is listed under FIR no. 150/91. The post-mortem report number is not given and the cause of death is mentioned as "bullet injuries".

The CCDP has gathered the following information about this case through its incident report form no. CCDP/01322. The main informant is the victim's father Virsa Singh.

Thirty-year-old Beer Singh, s/o Virsa Singh, was the eldest of seven brothers. He was unmarried and helped his father cultivate his eight acres of farmland. Beer Singh did not have any political or militant links. He had never been arrested.

On 29 July 1991, around 11 a.m. Beer Singh went with one of his friends Gurnam Singh of Thade village to see a movie in a cinema hall in Amritsar city. Around 4 p.m. the same day, Gurnam Singh came back to the house in a very agitated state and told Beer Singh's parents that the police had shot their son dead on Sultanwind road in Amritsar city. He was not able to explain why and how the police shot him. For the next three days, Virsa Singh and his sons went to various police stations and hospitals in the city, but did not receive any information about what had happened to Beer Singh. A week later, they managed to meet the SP (city) who admitted that Beer Singh had been killed and his body cremated at Seetla Mandir cremation ground.

From the fear of police terror, the family was unable to pursue the case. They do not yet know why and how Beer Singh was killed and cremated by the Punjab police.

Virsa Singh has since sold his farmland and moved his residence to village Harar Khurd, near Ajnala, in Amritsar district.

291 – 292: Under serial nos. 201/25 and 202/26, the list identifies two cremations on 8 August 1991, which were carried out by SI Baldev Singh of Gharinda police station. The FIR no. of the case and the post-mortem report numbers are not given. The cause of death is mentioned as "bullet injuries". These cremations were of [1] Daljit Singh alias Billu, s/o Sucha Singh, r/o Mohalla Bog in district Phagwara; and [2] Gurinder Singh alias Jinda, s/o Bhakshish Singh, r/o Basarke Kalan.

The CCDP has acquired the following information through its incident report form no. CCDP/00741. The main informant is the victim's father Bakhshish Singh.

Gurinder Singh alias Ginder, s/o Bakhshish Singh, from Baserke Gillan village on Jhabbal road near Chheharta in Amritsar, was a high school student. Affected by polio on his right leg, Gurinder could not run and had to even walk with support. Gurinder had never been arrested or interrogated before.

On 5 July 1991 forenoon, around 10 a.m. SHO Gurmeet Chand of Chheharta police station came with a large police force to raid Gurinder's house. The boy had gone to school and his father was away selling milk in the city. The SHO confiscated Bakhshish Singh's tractor and his motorcycle, and instructed his wife to produce him at the police station as soon as he returned. The same evening, Bakhshish Singh along with several village elders went to Chheharta police station and met the SHO. The SHO locked him up in a cell and threatened to keep him there until his son surrendered. Bakhshish Singh remained in the police lock up for five days. He was released

at the intervention of a large group of people from his village. The SHO retained his tractor and motorcycle.

Gurinder Singh did not come back home from school. The Chheharta police raided his house several times over the next weeks, and illegally detained Bakhshish Singh and tortured him brutally for information about his son.

An army patrol arrested Gurinder on 5 August 1991 morning near village Manakpur. The same day, the army patrol also arrested Amrik Singh, s/o Ishar Singh, a *Mazhabi* Sikh boy of Basarke Gillan, from the farmhouse of Bhajan Singh, former head of the village council. Both of them were brought to the army camp at Baserke Gillan for interrogation. After some hours, the army personnel handed both of them over to SHO Gurmeet Chand of Chheharta police station. Amrik Singh was released the next morning, but Gurinder continued in police detention.

On 9 August 1991, a Punjabi daily *Jagbani* published a report, based on information from police sources, stating that two militants identified as Gurinder Singh, s/o Bakhshish Singh from village Basarke Gillan, and Daljit Singh alias Billa, s/o Sucha Singh from Bhora locality in Phagwara district, committed suicide by consuming cyanide when they were encircled by officers of Gharinda police station near village Manakpur. According to the report, the two militants identified themselves, giving their names, fathers' names and addresses before dying.

After reading the newsreports, Bakhshish Singh, along with many other residents of the village, went to Gharinda police station to ask for his son's body. A head constable on duty there told them that Gharinda police station had nothing to do with this operation and that they had been falsely named in the newspaper reports. Bakhshish Singh and his companions then went to Seetla Mandir cremation ground and found out from an attendant there that both the boys had been cremated together. The CBI's list of unidentified cremations, Under serial no. 145/203, shows that Gharinda police burnt another body on 9 August 1991. The post-mortem report is marked as AKC-FM/451/91. The list gives no other information about this cremation and in the absence of an FIR no., it is not possible to say whether or not it is linked to the cremation of Gurinder Singh and Daljit Singh.

SHO Gurmeet Chand had earlier confiscated a tractor and a motorcycle belonging to Bakhshish Singh. Some days after the news of Gurinder's death had been published, the SHO returned the tractor but kept the motorcycle. A few days later, Amritsar's Sadar police again arrested Bakhshish Singh and implicated him in a case of murder. They kept him in Amritsar jail for four months. The trial judge dismissed the case and acquitted him when the family members of the murdered person submitted a written statement to declare that Bakhshish Singh had nothing to do with the case.

Meanwhile, Bakhshish Singh's family had managed to recover his motorcycle from the Chheharta police station through the intervention of local politicians. This apparently annoyed SHO Gurmeet Chand who instigated the Kang police to arrest Bakhshish Singh and torture him again in illegal police custody for seven days. Bakhshish Singh was unable to walk for 15 days after his release because of his custodial torture.

293. Under serial nos. 218/27 and 220/28, the list identifies two cremations on 26 September 1991 which were carried out by the SHO of Sadar police station and listed under FIR no. 525/92. They are of: [1] Kashmir Singh alias Landu, s/o

Kundan Singh, r/o Nehru Colony, Amritsar; and [2] Jaspal Singh, s/o Preetam Singh, r/o Mustafabad. The list does not show a post-mortem report number. The cause of death is given as “firearm injuries.”

The CCDP has acquired the following information about these cases from its incident report form no. CCDP/00235. The main informant is Jasbir Singh’s father Preetam Singh.

The CBI has incorrectly recorded Jasbir Singh’s name as Jaspal Singh. Sixteen-year-old Jasbir Singh alias Jassa, son of Preetam Singh Bhasinia and Piar Kaur, was a resident of village Mustafabad, Batala road, under Vijay Nagar police station, in Amritsar district. He had a dairy farm. His wife Jaspal Kaur has since remarried.

Around the end of August 1991, around 5 p.m. a group of policemen came and abducted Jasbir Singh, saying they were taking him to Vijay Nagar police station. Lakhbir Singh Makhi was the inspector of the police station. The next day at 6 a.m. Preetam Singh and two others went to the police station. The constable did not let them enter the police station. At 10 a.m. Piar Kaur, Jasbir’s mother, went to the police station with lunch for Jasbir Singh. The police let her give him the food personally, and she saw that her son had been badly tortured. He could not move or use his hands, and she had to feed him. At night, Jasbir’s brother Ratan Singh went to the station with a fresh set of clothes for Jasbir. Ratan Singh helped Jasbir Singh change into fresh clothes, and he noticed that Jasbir’s arm was fractured.

The next morning, the police did not let Amrik Kaur, Preetam Singh’s sister, meet Jasbir when she went to the station to give Jasbir some food and tea. Inspector Lakhbir Singh shouted at her and asked her to leave. No one ever saw Jasbir Singh again, despite several visits to the station. The police would not let them enter the police station nor did they give them any information about Jasbir. One officer said that he had been sent to another place for further interrogation.

Ten to 15 days later, the family read a newsreport that Jasbir Singh had been killed in an alleged encounter near Gurdwara Manj near Sultanwind. Another boy Landu, also recorded in the CBI list, was reported as having died with Jasbir Singh. Landu’s wife also informed Jasbir’s family that Inderjit Singh was killed with the two of them. Inderjit Singh’s cremation is listed in the CBI’s second list Under serial no. 219/37. The CBI list partially identifies the cremation of Inderjit Singh, s/o Harbhajan Singh, carried out on 26 September 1991 by the SHO of Amritsar’s Sadar police station under FIR no. 525/91. There is no post-mortem report number. The cause of death is given as “fire arm injuries”. Inderjit Singh’s case has been summarized in the appropriate section of the report.

The police never informed the families about the cremations. Jasbir’s family went to the medical college and saw his name recorded in the autopsy records. However, the CBI list does not include a post-mortem report number.

Eight months after Jasbir Singh’s abduction, on the night between the 12 and 13 April 1992, militants killed his brother Ratan Singh, his cousin Joginder Singh, and Dalbir Singh, son of Joginder Singh.

294. Under serial no. 261/32, the list shows the cremation of Sukhdev Singh, s/o Mangal Singh, r/o Ballagan Sadar, Gurdaspur, carried out by officials of Amritsar’s Sadar police station on 4 February 1992 under FIR no. 51/92. The

post-mortem report is marked as ND/FM/197/92. The cause of death is given as “bullet injuries”.

The CCDP has gathered the following information about this case through its incident report form no. CCDP/01702. The main informant is the victim’s widow Simarjit Kaur.

Thirty-two-year-old Sukhdev Singh, son of Mangal Singh and Amar Kaur, was a baptized Sikh from Ballagan village, post office Bhopar Saida, under Sadar police station in Gurdaspur district. Sukhdev was married to Simarjit Kaur and had two daughters, Inderjit Kaur and Bhupinderjit Kaur, now in their early twenties, and a son Satinder Pal Singh, a teenager.

In 1984, Sukhdev’s elder brother Ranjit Singh, an important functionary of the Nihang sect called “Buddha Dal”, was appointed as head of the organization after its then chief Santa Singh was ex-communicated by the Sikh religious establishment for lending support to the government after the June 1984 Operation Blue Star. Santa Singh received the support of the central government and he continued to remain influential. According to Simarjit Kaur, Santa Singh managed to take his revenge and got Ranjit Singh murdered.

Sukhdev Singh was very disturbed by the murder of his brother and, with the resolve to avenge it, he developed links with the militant movement. Soon, the police establishment became suspicious and began to hold him in illegal custody under torture. The police also picked up and interrogated his family members. Sukhdev could not endure the torture and left his home to join the ranks of the underground. The police atrocities against his family members became more ruthless.

According to Simarjit Kaur, the police arrested her father Mohan Singh, resident of Moga, and killed him in a fake encounter. Also, the police abducted the brother-in-law of Sukhdev’s brother Jugraj Singh, son of Mohinder Singh of Khuddi Cheema village in Gurdaspur district, from his house and killed him.

According to Simarjit Kaur, the Gurdaspur police managed to nab her husband on 3 February 1992 and killed him in an encounter staged the same night. She could not provide further details of the incident.

295. Under serial no. 266/34, the list shows the cremation of Amrik Singh alias Fakkar, s/o Jagir Singh, r/o Kirtangarh, carried out on 21 March 1992, by SHO Ajaib Singh of Amritsar’s Sadar police station under FIR no. 87/92. The post-mortem report number is not given and the cause of death is described as “police encounter”.

The CCDP has gathered the following information about this case through its incident form no. CCDP/01487. The main informant is the victim’s father Jagir Singh.

Amrik Singh alias Fakkar, son of Jagir Singh and Gurmeet Kaur, was a 22-year-old *Mazhabi* Sikh from Kirtangarh, near Thande, post office Jwala Flour Mill under Sadar police station, in Amritsar city. His father Jagir Singh used to drive a cycle-rickshaw in the city of Amritsar to sustain his family. Amrik was not able to attend school and started working as an agricultural worker for local farmers.

On 9 March 1992, the SHO of Sadar police station came with a large force to Jagir Singh’s house and arrested his son Amrik. The family members were scared of

approaching the police on their own and were trying to approach some influential person in the city for intervention. Before their efforts could yield any result, Amrik Singh, along with another person described as an unidentified militant, was killed in an encounter staged near village Meera Kot. The second cremation, carried out by the Civil Lines police station, is shown in the CBI's list of unidentified cremations Under serial no. 194/267. The post-mortem report is marked as ND/FM/249/92.

Jagir Singh and other family members collected his ashes from the Durgiana Mandir cremation ground.

296. Under serial no. 270/35, the list identifies the cremation of Major Singh alias Jaskaran Singh, s/o Thakur Singh, r/o Padhri, PS Lopoke, carried out by the SHO of Sadar police station at Amritsar on 21 March 1992, under FIR no. 101/92. There is no post-mortem report number. The cause of death is given as "police encounter".

The CCDP has collected the following information through its incident report form no. CCDP/01522. The main informant is the victim's father Thakur Singh.

Twenty-year-old Major Singh, son of Thakur Singh and Mohinder Kaur, was a young farmer from Padhri village, Rare Walian Di Patti, under Lopoke police station in Ajnala sub-division of Amritsar district. The eldest of four brothers, Major Singh was also engaged in collecting milk from the villages in his area and selling it in Amritsar city for a profit. He was unmarried.

In January 1992, the Amritsar police started raiding Major Singh's house suspecting him of having militant connections. Fearing torture, Major Singh kept away from the house, resulting in increased police harassment of his family members.

On 19 March 1992, SHO Ajaib Singh of Amritsar's Sadar police station came with a large force to search the family house at Padhri village once again. Major Singh, who had been arrested, was also with the police force and was taken away after the search failed to yield anything incriminating. The family members could not do anything and, on 22 March 1992, newspapers reported Major Singh's killing in an encounter near village Meera Kot.

The family members were neither able to attend the cremation nor collect his ashes.

297. Under serial no. 273/36, the list identifies the cremation of Harjinder Singh alias Kala, s/o Sadhu Singh, r/o Gali No. 2, Shahid Udham Singh Nagar, Amritsar, carried out by ASI Dalip Singh of Amritsar's Sadar police station on 5 April 1992, under FIR no. 120/92. The list does not show the post-mortem report number and the cause of death is given as "police encounter".

The CCDP has gathered the following information through its incident report form no. CCDP/01182. The main informant is the victim's father Sadhu Singh.

Eighteen-year-old Harjinder Singh, a resident of House No. 133, Shahid Udham Singh Nagar, Gali No. 2, Amritsar, had given up school to help his father Sadhu Singh sell cosmetics and jewellery at the local fairs.

Harjinder's elder brother, Lal Singh Lalli was involved with the militant movement and had been arrested and sent to jail. After his release from jail, when the police

began to raid the house with the view to arrest him again, Lal Singh slipped away and joined the ranks of militants. To compel him to surrender, the 'B' Division police station of Amritsar arrested Harjinder and charged him under the Arms Act. Harjinder managed to obtain his release on bail after three months.

In July 1991, Lal Singh was shot dead by a group of armed men very close to his house in Shahid Udham Singh Nagar in Amritsar. The family thinks that the killing was the handiwork of the police, who continued to raid the house to arrest and interrogate Harjinder. Sadhu Singh spent a lot of money bribing policemen and also engaging lawyers to fight his son's court cases. The police also detained and tortured Sadhu Singh.

On 30 March 1992, SHO Hardev Singh of Amritsar's Sadar police station raided the house and arrested Harjinder Singh. The police refused to let Sadhu Singh enter the police station and the SHO refused to meet him. On 6 April 1992, Sadhu Singh read a newspaper report describing Harjinder's killing by Amritsar's Sadar police in an encounter near Sultanwind village. Sadhu Singh went to the police station to claim the body for cremation, but the SHO refused to talk to him. Sadhu Singh could not collect his son's ashes.

Sadhu Singh did not pursue the matter because of police terror.

298 – 299: Under serial nos. 276/37 and 277/38, the list identifies two cremations carried out by SHO Chanan Singh of 'B' Division police station on 20 April 1992. They are of [1] Pargat Singh, s/o Udham Singh, r/o Marisanga, PS Khalra and [2] Balbir Singh alias Gulla, s/o Jeet Singh, r/o Thoru. No FIR or post-mortem report numbers are given. The cause of death is said to be "police encounter".

The CCDP has gathered the following information about these cases through its incident report form nos. CCDP/01539 and 01385. The main informants are Pargat Singh's mother Gurnam Kaur and Balbir's grandfather Bakhshish Singh.

Thirty-year-old Pargat Singh, son of Udham Singh and Gurnam Kaur, was a resident of village Mari Megha, under Khalra police station, in Patti sub-division of Amritsar district. The CBI's list wrongly identifies the village as Marisanga. One of five brothers, Pargat Singh completed his higher secondary school education and then moved to Amritsar city with the intention of joining a college. In Amritsar, he got married. His wife, known as Bobby, was from Sultanwind area of Amritsar. Pargat Singh began to live at her parents' house and had a son Rajwinder who is now 14 and a daughter Joti who is 12. According to his mother, Pargat Singh ran a business. The police had also arrested him several times on the suspicion of having links with militants.

On 19 April 1992, Amritsar police abducted Pargat from a house in Partap Nagar. That same day, the police declared that a militant named Pargat Singh had committed suicide by taking a cyanide pill. The family found out about his death from a newspaper report that appeared the next day.

Sixteen-year-old Balbir Singh's actual name was Gursewak Singh. He lived with his stepmother in Patti Taal Wali of village Tharu within Tarn Taran sub-division of Amritsar district. His father's name, described in the CBI's list as Jeet Singh, was actually Ajit Singh; he had died inside the Golden Temple during the Operation Blue Star, in June 1984. Gursewak never went to school and, at the age of 15, began

working as a cleaner on a public transport truck. His relationship with his stepmother had been strained and, after getting the job, Gursewak stopped visiting his house. Once a group of policemen from Tarn Taran came to the house to make inquiries about him, but they did not harass anyone else in the family.

Early in 1992, there was a rumor in the village that the police had killed Gursewak Singh in an encounter outside Amritsar city. But the police did not come to give the family any information. So, the family did not pursue the matter. Gursewak's grandfather Bakhshish Singh, who talked to the CCDP's investigating team that visited the family in the village, believes that his grandson Gursewak has been killed. Otherwise, he would have come to the house at least once.

It is not clear if the cases of Pargat Singh and Gursewak Singh, alias Balbir, were in any way connected.

300. Under serial no. 280/41, the list identifies the cremation of Harpreet Singh, s/o Balbir Singh, r/o Adaliwal, PS Raja Sansi carried out by the SHO of Amritsar's Sadar police station on 24 April 1992 under FIR no. 140/92. There is no reference to post-mortem reports. The cause of death is given to be "police encounter".

The CCDP has gathered the following information about this case through its incident report form no. CCDP/01306. The main informant is the victim's uncle Gurdial Singh.

Twenty-two-year-old Harpreet Singh, s/o Balbir Singh, from Adaliwal village under Raja Sansi police station in Amritsar, had joined the Punjab police as a constable in 1988. His father was a small farmer with only five acres of land. Two of his brothers who lived in Calcutta had a transport business and were fairly well off.

Harpreet Singh soon became unhappy with the Punjab police and developed strong sentiments about the excesses it committed to contain the Sikh militant movement. Without asking his parents, Harpreet quit the Punjab police and came home. Fearing that he might get into trouble with the state, Balbir sent him away to Calcutta to live and work with his brother. Harpreet did not feel at home in Calcutta, and came back to his village near Amritsar in 1991. To keep him out of trouble in the village, Balbir Singh rented a flat near Ranjit Avenue in Amritsar city and began to live with him there.

On 21 April 1992, around 4 p.m. Harpreet was eating lunch at home when a group of police officers from Amritsar's Sadar station raided his Ranjit Nagar flat and took him and his mother Surinder Kaur into custody. Balbir Singh was not home at that time and found out about their arrest from the neighbors in the evening. He did not know who had taken them away. He went to several police stations in the city, but could not trace them.

On 25 April 1992, Surinder Kaur came back home. She too had been held at Sadar police station of Amritsar where Harpreet had been locked up though separately. On April 25 morning, the SHO told her that her son had been arrested on a criminal charge, but his bail had been furnished and he would return home soon. He then asked her to go back home. The same day, newspapers reported Harpreet's killing in an encounter with the police near village Fatehpur. On reading the news report, Surinder Kaur was crestfallen and fainted with shock. She fell ill and died a year later.

301. Under serial no. 285/43, the list identifies the cremation of Ravinder Singh, s/o Raghbir Singh, r/o Thothiya, carried out by SI Sanjeev Kumar of Sultanwind police post on 14 May 1992. The list does not give the FIR and post-mortem report numbers. It mentions the cause of death to be “police encounter”.

The CCDP has gathered the following information about the case through its incident report form no. CCDP/01210. The main informant is the victim's father Raghbir Singh. It is not a case of enforced disappearance or custodial killing by the police, although the CBI's list mentions the cause of death as “police encounter”. It is a case of murder inspired by sectarian hate.

Ravinder Singh also called Bittu was a 30-year-old Kamboj Sikh and the son of Raghbir Singh and Kulwant Kaur. They lived in village Thothian under police station Khalchian, tehsil Baba Bakala in district Amritsar. Ravinder Singh's father Raghbir Singh retired from the post of managing officer, a gazetted post, in the education department of Punjab government, on 30 June 1997. For the last two generations, Raghbir Singh's family had been followers of the Radha Soami sect.

Ravinder failed in his matriculation examination, and then joined the Universal Batteries, a private company in Amritsar, as an apprentice to become an auto mechanic. In 1984, when he became proficient in his trade, he established an auto electric shop at Khalchian town. In March 1986, he married Narinder Kaur. In 1987, he had a son Sanmeet Singh and in 1989 a daughter called Navmeet Kaur.

In 1992, the militancy was at its peak in Punjab. As they were economically well off, Ravinder Singh's family sensed danger from the militants. On 9 April 1992, some militants came to their house and demanded that Raghbir Singh arrange Rs. 200,000 for them, within two days. The family informed the Khalchian police about this incident. Because of their fear of the militants, the family shifted to house - No. 128 in Gali No. 3, Mohalla Rana, Garden Colony near Bhai Laloji Nagar in Amritsar City on 27 February 1992. Ravinder Singh, his wife and children also shifted to Amritsar, sometimes living with a maternal uncle at 13, Partap Nagar, Amritsar.

On 14 May 1992 at about 6.45 a.m. Ravinder Singh left for Baba Budha Sahib, a famous Sikh shrine, along with his wife Narinder Kaur and their children. It was the day of Sankrant and Ravinder Singh was carrying a pocket size tape recorder that was playing a cassette of Guru Gobind Singh's hymns. On the way, two Nirankari Sikhs, Daljit Singh, s/o Sat Pal Saini who lived at 34 Bhai Laloji Nagar in Amritsar, and his friend Satpal, vehemently objected to Ravinder Singh playing Guru Gobind Singh's hymns. Ravinder was vaguely familiar with these two who owned a mechanical factory in the Maqboolpura, Garden Colony of Amritsar. A minor scuffle and hot exchange of words followed when the Nirankaris tried to snatch the tape recorder away from Ravinder Singh. In this tussle, Satpal yelled that he would murder the whole Sikh community if he had the power because of the way the Sikhs had murdered the Nirankari Guru. Soon, the quarrel ended and Ravinder assumed that his tormentors had gone away.

On the way to Baba Budha Sahib, Ravinder stopped at the Amco Industries in Maqboolpura, Garden Colony, at about 8.25 a.m. where he had some business to do. Satpal and Daljit Singh, along with a few others, arrived and caught hold of Ravinder Singh by his long hair as he was walking out of the Amco Industries compound and dragged him towards their own factory. But Satpal got the better of them and he shot

Ravinder Singh with his pistol, firing five shots, one after the other, at short intervals, and then dragged him to Gali No. 1 near their factory, and then beat him even as Ravinder collapsed bleeding profusely. A lady, Surjit Kaur, w/o Gurdial Singh tried to offer a glass of water to Ravinder but Satpal spilt it saying "let him die". He also did not let Narinder Kaur come near him to help saying that "she is also a militant accomplice". Ravinder Singh lay there helplessly bleeding profusely while Satpal and others kept watching him die.

The whole incident was witnessed by Surjit Kaur w/o S. Gurdial Singh; Narinder Singh, proprietor Sharp Radio Corporation, Chowk Farid, Amritsar; Darshan Kaur w/o Late S. Sampuran Singh, 13 Partap Nagar, Amritsar; Darshan Singh, Proprietor Amco Industries as well as Ravinder Singh's wife Narinder Kaur.

The police arrived after Ravinder Singh had died and took his body for a post-mortem examination that was done at about 2.45 p.m. on 14 May 1992. But the police did not take any action against his murderers. The family members attended the cremation.

Ravinder's father Raghubir Singh moved an application before the deputy commissioner (DC) of Amritsar, giving a factual account of his son's murder. Members of the village council were also present when he submitted the application to the DC. The DC marked an inquiry to the sub-divisional magistrate (SDM). The SDM, Harbhupinder Singh, conducted an inquiry and recommended the registration of a case against the accused. On the basis of the inquiry report, the DC directed the SSP Amritsar to register a case against the accused, but the latter did not comply. The SSP, however, did not obey the order of the DC. Ultimately, in 1993, the family filed a private complaint in the court of the judicial magistrate. After the registration of the FIR, the case was heard by the sessions judge, Amritsar, who acquitted the accused. The family hired advocate Pooran Singh Hundal for challenging the decision of the Sessions Judge, Amritsar, in the Punjab and Haryana High Court at Chandigarh. But, the advocate delayed the filing of the appeal by six months and the high court dismissed the appeal on the ground of this delay.

302. Under serial no. 292/44, the list identifies the cremation of Sucha Singh alias Charan Singh, s/o Mohinder Singh, r/o Swajpur Chinna, PS Raja Sansi carried out 22 May 1992 by the SHO of Amritsar's Sadar police station under FIR no. 179/92. The list does not give the post-mortem report number. The cause of death is mentioned as "police encounter".

The CCDP has acquired the following information about this case through its incident report form no. CCDP/01299. The main informant is the victim's mother Piar Kaur.

Twenty-seven year-old Sucha Singh, s/o Mohinder Singh and Piar Kaur, was a resident of village Sawazpur near Harsha Chheena, under Ajnala sub-division of Amritsar district. A farmer, Sucha Singh was married to Surjit Kaur and had a daughter Ramandeep Kaur who is now 15. Sucha Singh had no political or militant connections, but his cousin Satnam Singh, s/o Dalip Singh, was a known militant of the area. His uncle Dalip Singh too had his farm house next to Sucha Singh's and every time the police came to look for Satnam Singh, they would pick up various members of the family, including Sucha Singh, for interrogation in illegal custody.

In the night intervening 16 and 17 May 1992, a large police force led by DSP Brar, SHO Baldev Singh of Raja Sansi police station, inspector Chiman Lal and ASI Dilbagh Singh raided the cluster of farmhouses belonging to Sucha Singh and his uncles. The police party took seven members of the family into custody and drove them to Raaja Sansi police station. They were: [1] Sucha Singh; [2] his brother Harcharan Singh; [3] Balwinder Singh, s/o Joginder Singh; [4] Daljit Singh, s/o Gurbakhsh Singh; [5] Balbir Singh, s/o Jagir Singh; [6] Gurdev Singh, s/o Gurbakhsh Singh, and [7] Satta, a worker at Sucha Singh's farm.

At Raja Sansi police station, Sucha Singh was separated from the rest and taken to B. R. Model School interrogation center in Amritsar. No one knows what happened to him thereafter. On 23 May 1992, several newspapers reported the killing of a militant called Sucha Singh by the Sadar police near Amritsar city. Most of the male members of the family were at that time either in police custody or had left the village to escape police atrocities. Hence, they could neither attend the cremation nor collect his ashes.

According to Piar Kaur, Sucha Singh's mother, the police killed the following other members of the family after capturing them: [1] Ranjit Singh, s/o Dharam Singh; [2] Sukhdev Singh, s/o Joginder Singh; [3] Satnam Singh, s/o Dalip Singh; [4] his brother Balkar Singh and [5] Balkar Singh's wife Jaswant Kaur.

The CBI's list of unidentified cremations, Under serial no. 206/291, shows a cremation carried out by Raja Sansi police on 22 May 1992. The list does not mention the FIR number and nor does it give any other information about this cremation. Hence, it is not possible to say whether or not the unidentified cremation is linked to this case.

303 – 304: Under serial nos. 302/46 and 303/47, the list identifies two cremations carried out by Amritsar's Sadar police on 3 June 1992 under FIR no. 205/92. They are of [1] Jasvinder Singh alias Ghora, s/o Teja Singh, r/o Patti; and [2] Balvinder Kumar alias Binder, s/o Chowdhary Ram, r/o Kalar, Raja Sansi. Their post-mortem report number is marked as RKG-50/92 and the cause of death is given as "police encounter".

The CCDP has gathered the following information about Balwinder Kumar's case through its incident report form no. CCDP/00745. The main informant is the victim's mother Sumitra Rani.

Twenty-one-year-old Balwinder Kumar, alias Lamari, resident of Kaler village near Raja Sansi in Amritsar, was from a Hindu Arora family. His father Chowdhry Ram was a business man and Balwinder was himself employed as a worker in a power mill in Amritsar. He was unmarried and lived with his parents, his brother Varinder and two sisters Kailash Rani, who is now 20, and Veena, 16. Balwinder had no political or militant affiliations.

According to the family, the police from Civil Lines and Raja Sansi police station had raided their house a few times in April 1992, and had picked up Balwinder Kumar for interrogation. After these raids, Balwinder had begun to live separately in Amritsar city.

On 2 May 1992, Chheharta police, led by SI Mahinder Singh Karicki, arrested Balwinder Kumar from Majitha Road Amritsar and took him to village Sanghna. They

also arrested Surjit Singh, s/o Mahinder Singh. Surjit Singh's wife saw Balwinder Kumar in police custody.

The family does not know what happened thereafter and came to know about his death by reading a newspaper report on 4 June 1992, which said that Balwinder had been killed in an encounter. The report also mentioned the killing of Jaswinder Singh Ghora in the same encounter. Surjit Singh, arrested from village Sanghna near Amritsar, disappeared. However, the CBI's list of unidentified cremations, Under serial nos. 208/300 and 209/301, shows two cremations carried out by Chheharta police on 3 June 1992 and it is reasonable to assume that one of the cremated persons was Surjit Singh, s/o Mahinder Singh, r/o Sanghna village, Amritsar. The post-mortem reports are marked as ND-450/92 and ND-451/92.



Balwinder Kumar

305. Under serial no. 310/49, the list identifies the cremation of Chanan Singh alias Ladi, s/o Kahari Singh, r/o Algo Kothi, carried out on 28 June 1992 by the Civil Lines police under FIR no. 140/92. The post-mortem report is marked as ND/4/92 – 28.6.1992. The cause of death is given as “police encounter”.

The CCDP has acquired the following information about this case through its incident report form no. CCDP/01564. The main informant is the victim's uncle Karam Singh Fauji.

Twenty-year-old Channan Singh alias Laadi, son of Karaj Singh and Harbhajan Kaur, was a resident of Algon Kothi, under Valtaha police station, in Patti subdivision of Amritsar district. The eldest of two brothers, Channan Singh completed his matriculation and then became a trainee compounder at a doctor's clinic in Patti. He also used to assist his maternal uncle Gurnam Singh in his transport business. Channan Singh occasionally drove a truck that belonged to his uncle. Channan Singh, a baptized Sikh, had never been arrested or interrogated by the police.

On 25 June 1992, Channan Singh along with his uncle Gurnam Singh came from a city in Uttar Pradesh with a truck load of goods for delivery in Amritsar when Amritsar police arrested both of them. According to his uncle Karam Singh Fauji, the family members found out about the arrest and unsuccessfully tried to meet senior police officials in Amritsar to rescue Channan Singh.

According to Karam Singh, the police staged an encounter on Ajnala road in Amritsar and killed Channan Singh along with a girl, resident of Sultanwind, in the city in the night intervening 27 and 28 June 1992. The newspapers reported the encounter, but did not give the identity of the girl killed along with Channan Singh, describing her as an unidentified militant. Gurnam Singh was later released from custody. Apparently, Channan Singh's immediate family has left the village. His uncle Karam Singh Fauji, who still lives in the village, gave us the information.

The cremation of the unidentified girl, carried out at the Durgiana Mandir cremation ground, is included in the CBI's list of unidentified cremations Under serial no. 214/311.

306. Under serial no. 313/50, the list identifies the cremation of Udham Singh, s/o Gajjan Singh, r/o Thathgarh carried out by SHO Chaman Lal of Amritsar's Sadar police station on 6 July 1992, mentioned in FIR no. 254/92. The post-mortem report is marked as ND/FM/493 and the cause of death is given as "police encounter".

The committee has gathered the following information on this case from its incident report form no. CCDP/01293. The main informant is the victim's son Heera Singh.

Sixty-two-year-old Udham Singh, s/o Gajjan Singh, was a respected farmer of Thathgarh village under Jhabbal police station in Tarn Taran sub-division of Amritsar district. He was also locally known as 'Akali' because of the contribution his grandfather Kala Singh and uncle Arjan Singh towards the Sikh religious reform movement in the 1920s that witnessed the birth of the Akali Dal and the formation of the SGPC in 1925. Udham Singh was married to Gurmej Kaur and had five children, three daughters and two sons.

Udham Singh was deeply involved in Sikh religious affairs in his area and took part in the organization of important events of the Sikh religious calendar. Tarn Taran police had raided his house a number of times suspecting that militants visited his house. The police had once detained Udham Singh and his sons Heera Singh, now 30, and Hazura Singh, 25, for interrogation. However, they later released them.

Around 5 a.m. 1 July 1992, on 4 or 5 a.m. a large group of Punjab police officers raided Udham Singh's house, entering it after scaling the walls. ASI Dilbagh Singh of Jhabbal police station was one of the police officers. Police arrested Udham Singh and his son Hazura Singh and went away with them to B. R. Model School interrogation center. Udham Singh's daughter Rajwant Kaur and Hazura Singh's wife Ranjit Kaur began to protest loudly and demanded to know where they were taking the arrested persons. The police refused to divulge any information.

At the interrogation center, Udham Singh and Hazura Singh were locked up separately. Hazura Singh does not know what they did to his father. On 7 July 1992, the police released Hazura Singh from the interrogation center. That same day, newspapers reported the killing of Udham Singh in an encounter that allegedly occurred in the night between 5 and 6 July. The police did not inform the family about the cremation.

In 1996, some CBI officers approached the family in connection with their investigation into the illegal cremations matter, as ordered by the Supreme Court. Although the CBI officers did not disclose the purpose of their inquiries, Heera Singh gave all the details of the case. Around this time, Dilbagh Singh, one of the police officers from Jhabbal responsible for Udham Singh's abduction on 1 July 1992, also approached the family and offered a large sum of money for a compromise in the matter. But the family declined the offer and threatened to report it to the CBI. At this, Dilbagh Singh went away saying: "Alright! We will then pay the same money to the CBI officers".

Later, the family came to know that the CBI had filed a closure report in the case. Once Heera Singh went to the CBI court at Patiala and met the CBI officers who told him that as there was no evidence, they could not do anything in the case. They also obtained Heera Singh's signatures on some statements that were written in English

which he could not read. The family members suspected that the police officers responsible for Udham Singh's abduction and murder in a fake encounter, bribed the CBI officers responsible for the investigation.

The CBI had presented its closure report in this case No. R. C. 9(S)/97/SI.U-XVI/JMU on 1 October 1999 before the CBI court in Patiala. The court, vide its order dated 16 February 2000, took the view that the investigating agency should make further efforts to identify the abductors of Udham Singh. The CBI then presented a supplementary closure report on 29 September 2000, which said that no fresh evidence was forthcoming and the case should therefore be closed.

The CBI's closure reports are surprising since Hazura Singh had witnessed and had been abducted along with Udham Singh on 1 July 1992 morning, and held at B. R. Model School interrogation center till 7 July, the day after the Sadar police carried out Udham Singh's cremation. The B. R. Model School Interrogation center, which operated under the direct authority of Amritsar's SSP, with the SP (detective) directly in charge, was well-known as a place where terrible atrocities were committed in the course of interrogation of illegally detained persons before they were liquidated in fake encounters.

Under these circumstances, that the CBI chose to close the case on the grounds of lack of evidence, is indeed extraordinary.

The CBI's list of unidentified cases, Under serial no. 216/314, shows that SHO Chamanlal of Sadar police station carried out another cremation on 6 July 1992 mentioned under the same FIR no. 254/92. Although the list does not give any other marker for identification, it gives the post-mortem report number as ND/FM/4494/92. Udham Singh's post-mortem report is marked as ND/FM/493. Hence, it is reasonable to assume that this unidentified cremation shows that the police killed someone else in the same encounter and, as The committee has found it possible through its own research, it should be possible for the investigative agency to find more details through these connections.

307. Under serial no. 315/51, the list identifies the cremation of Paramjit Singh alias Foji, s/o Roor Singh, r/o Sensra carried out by Amritsar's Sadar police on 7 July 1992 under FIR no. 257/92. The post-mortem report number is not given. The cause of death is mentioned as "police encounter".

The committee has acquired the following information about this case through its incident report form no. CCDP/01267.

Paramjit Singh, s/o Roor Singh, was a resident of Sehnsra Kalan village under Jhander police station in Ajnala sub-division of Amritsar district. He was married and had two young children.

As a member of an underground Sikh militant organization, Paramjit had begun to live away from his home, along with his wife and children. But the police frequently raided the house, detained Roor Singh and his second son Surjit Singh Kaku for long periods in illegal custody and tortured them for information on Paramjit's whereabouts. The police also demolished their village house and confiscated all their household articles, forcing the family to live as destitutes.

On 3 July 1992, Paramjit, his wife and two children were arrested from the railway station in Amritsar by Sadar police. On 6 July 1992, Paramjit was reported killed in an

encounter with the Sadar police near village Loharka. His wife and children also disappeared and no one knows what happened to them.

The police continued to harass the remaining members of the family. The police again arrested Surjit Singh Kaku and implicated him in a number of criminal cases. Convicted by a special court on the charge of committing a murder, Surjit is still in Amritsar jail. With his house demolished and no one to look after him, Roor Singh left the village to live in Gurdwara Hazur Sahib.

308 – 309: Under serial nos. 316/52 and 317/53, the list identifies two cremations carried out by Sadar police on 10 July 1992 registered under FIR no. 260/92. They are of [1] Avtar Singh, s/o Sadhu Singh Jath, r/o Tarsika and [2] Balraj Singh, s/o Narinder Singh, r/o Bisshoa. There are no post-mortem report numbers. The cause of death is given as “police encounter”.

The CCDP has acquired the following information about these cases through its incident report form nos. CCDP/01195 and 01140. The main informants are Jasbir Kaur and Baljit Kaur, the victims’ widows.

Twenty-four-year-old Avtar Singh alias Bai, son of Sadhu Singh, was a resident of Patti Bhinder, village and post office Tarsikka under Mattewal police station in Baba Bakala sub-division of Amritsar district. A farmer, Avtar was married to Jasbir Kaur and had a son Jagroop Singh who is now 13.

Avtar’s father Sadhu Singh was well-known and respected in his area as a ‘freedom fighter’ who had spent several years in jails by championing the cause of India’s independence during the British rule. Sadhu Singh was an intensely religious person and Avtar grew up under his influence. Avtar was arrested and imprisoned soon after the Indian army’s attack on the Golden Temple of Amritsar in June 1984. He remained in prison for the next 15 months. The police continued to raid his house and detain him for interrogation even after Avtar came out of jail. Avtar bitterly complained to his father about these prolonged periods of illegal detention and physical torture under interrogation. Sadhu Singh advised him to keep away from the village and avoid the police. He feared that the police might kill his son under torture.

In the first week of July 1992, Avtar Singh accompanied his wife Jasbir Kaur to visit his sister Balwinder Kaur, w/o Dilbagh Singh, at village Valla. They stayed at his sister’s house for some days. On 7 July 1992, around 9 a.m. Avtar was drinking tea when the Amritsar police raided his sister’s house, arrested him and his brother-in-law Dilbagh Singh, and drove away with them without disclosing their destination. Balwinder Kaur’s family members and other villagers first went to Verka police station to find out if they had been detained there. The police officers at Verka had no information and refused to help them in any way. They went to several other police stations in Amritsar but could not get any information about the whereabouts of Avtar Singh and Dilbagh Singh.

On 10 July 1992, Punjabi newspapers published a report, quoting police sources, about the killing of Avtar Singh and Balraj Singh. The police did not inform the families and carried out the cremations themselves. Dilbagh Singh was later released from police custody.

The case of Balraj Singh’s enforced disappearance following police abduction

and his reported cremation is more puzzling.

Thirty-eight-year-old Balraj Singh, s/o Narinder Singh, was a school teacher posted at village Ghaga and, together with Baljit Kaur, also a teacher, used to live in House No. 22, Adarsh Nagar, under Sadar police station, of Amritsar. They had two sons, Ramandeep and Gagandeep. Ramandeep is now 20.

Balraj's father Narinder Singh was a leading farmer of village Vasoia in Amritsar district and many of his family members held distinguished positions within the Government of India. His wife Baljit Kaur's father, Dr. Gopal Singh, had retired from the Indian airforce. Her uncle Karnail Singh retired from the army as a brigadier. One of Baljit's relatives is a major-general in the army.

Balraj was a religious-minded Sikh; he was not known to have any political or militant affiliations. The police had never arrested or interrogated him before.

Balraj and his wife had spent two months of their summer vacation visiting their families and on 9 July 1992, they were home getting ready for the new school-year, set to begin the next day. Around 3:30 p.m. that day, Baljit Kaur noticed some CRPF personnel outside her house. When she went out to find out what they were up to, the CRPF men, belonging to 32 Battalion as she later found out, asked her name, her husband's name, where they worked, and other such particulars. Baljit assumed that they were carrying out some routine check and did not bother. She went inside and informed her husband who also did not pay much attention to the matter.

Approximately 40 minutes later, the same CRPF personnel together with some others in plain clothes rushed into the house and immediately overpowered Balraj Singh. Baljit Kaur managed to telephone some friends from a neighbor's house but before anyone could arrive on the scene, the CRPF tied Balraj Singh's hands behind his back and took him away in a jeep without disclosing where they were taking him. Baljit and some of the family friends visited many police stations and also telephoned many higher police officials, but could not find out where Balraj Singh had been detained.

On 10 July 1992, several newspapers carried a report about the killing of Balraj Singh, s/o Narinder Singh from Vasoia village and of Avtar Singh, s/o Sadhu Singh from Tarisikka village in an encounter. The newspaper reports said that Avtar Singh and Balraj Singh were area commanders of the Khalistani Commando Force, linked to Paramjit Singh Panjwar, who were wanted in hundreds of terrorist cases, involving murder, bombing, robbery and rape. According to the newspapers, the encounter took place when the police challenged the two militants while they were laying landmines in a village near Verka town in Amritsar district. The armed encounter and the exchange of fire reportedly lasted for 40 minutes before the police killed the two militants.

However, the same day they received information from family friends who had connections with senior government officials in the city that the newsreport about Balraj's killing and his supposed cremation on 10 July 1992 at Seetla Mandir cremation grounds was deliberately planted and fabricated. This informant also said that the police had done so to kill all inquiries from the family and others and that they were keeping him alive for some important tasks. Immediately, Baljit Kaur and her friends went to the doctor at the civil hospital who had supposedly conducted the post-mortem of Balraj Singh's body before it was cremated to make inquiries. They were convinced after talking to him that it was not the body of Balraj Singh.

In the next weeks, Balraj Singh's family members met various senior police officials in the state, including additional director general of police (ADGP), O. P. Sharma; IG Border Range D. R. Bhatti; SSP Hardeep Singh Dhillon and Sukhdev Singh Chheena, the SP (city). Advocate Ranjan Lakhanpal, who claimed to be very close to ADGP O. P. Sharma, accompanied Baljit Kaur for the meeting with him in Chandigarh. Mr. Sharma told her, "This boy is very much alive. But, I cannot do anything to get him out at this stage." But he promised to get Balraj Singh released from the incommunicado detention alive. After getting this assurance, Baljit Kaur did not think it proper to approach the High Court of Punjab and Haryana for any action. Advocate Ranjan Lakhanpal told her that the highest officials of the police establishment had staged his disappearance because they needed him to identify Paramjit Singh Panjwar, a top militant belonging to the Khalistani Commando Force.

According to Baljit Kaur, her husband was seen, by reliable family friends, in the custody of the CRPF at different locations on three or four occasions in the next months and years. She received the last such report in 1994. Family members continued to meet senior officials and politicians in the state, including several ministers. After some years, they gave up hope. Baljit Kaur still believes that her husband is alive because Paramjit Singh Panjwar has not yet been arrested. The State Education Board advised her, a number of times, to claim her husband's arrears and other benefits after submitting an application about his death in the police encounter. She has not done that so far. She also does not know what she can do to get her husband released from the protracted custody. She has lost all faith in India's institutional order that pretends to stand on the constitutional principles of democracy, fundamental human rights and separation of powers between the executive, legislature and judiciary.

310. Under serial no. 320/54, the list identifies the cremation of Sukhdev Singh, s/o Karam Singh, r/o Attari, carried out by Amritsar's Sadar police station on 25 July 1992 under FIR no. 275/92. The post-mortem report is marked as GM/799. The cause of death is given as "bullet injuries".

The CCDP has gathered the following information about this case from its incident report form no. CCDP/01521. The main informant is the victim's father Karam Singh.

Sukhdev Singh, son of Karam Singh and Charan Kaur, was a 21-year-old *Mazhabi* Sikh, resident of Attari village, Kutcha Qila, under Gharinda police station, in Amritsar district. His father, a coolie at Amritsar railway station, wanted his children to be educated and, in spite of hardship, encouraged his children to study. Sukhdev was talented and after passing the higher secondary school examination from the government high school at Attari, joined the Sports College at Jalandhar. Sukhdev was an outstanding football player and the recipient of many awards. On the basis of his excellent record as a sportsperson, Sukhdev Singh had been selected for the Punjab police. He was clean-shaven and lived in the college hostel.

On 27 July 1992, Sukhdev Singh's family members received information that he had been killed as a militant in an encounter with the police in Amritsar city at Ranjitpur area on July 25. They also found out that several newspapers had reported his killing, but wrongly reported his name as Sukhwinder Singh Bittu. A senior police

official confirmed the report when Karam Singh contacted him through an influential political leader in the city. Also, the doctor who had prepared the post-mortem report corroborated that the person killed in the so-called encounter was indeed Sukhdev Singh.

Karam Singh is categorical that his son had no involvement with militant activities and on the day of the incident had gone to Kasel village to fetch one of his football players. According to him, the report of the encounter was concocted and the police never informed the family about it. The family was neither able to attend the cremation nor collect the ashes.

311 – 312: Under serial nos. 328/56 and 329/57, the list shows two cremations carried out by Raja Sansi police on 23/24 August 1992 under FIR no. 55/92. They are of [1] Satnam Singh alias Sakattar Singh, s/o Gurnam Singh, r/o Tolo Nangal and [2] Hardeep Singh alias Deepa, s/o Kulwant Singh, r/o Kakkar Tarien, PS Lopokey. The post-mortem reports are marked as ND-576/92 and ND 574/92. The cause of death is given as police encounter.

The CCDP has gathered the following information about these cases through its incident report form nos. CCDP/01284 and 01281. The main informants are Gurnam Singh and Kulwant Singh, fathers of Satnam Singh and Hardeep Singh, respectively.

Twenty-one year-old Satnam Singh alias Sakattar, s/o Gurnam Singh, was a resident of Tole Nangal, post office Jhanjoti under Raja Sansi police station within Ajnala sub-division of Amritsar district. He was unmarried and helped his father Gurnam Singh, a small farmer, in cultivating his five acres of land.

Early in 1990, Satnam Singh developed a sympathetic attitude towards the militant movement for an independent Sikh state, and the police arrested him a few times to interrogate him about his connections. Recognizing that his son was being drawn towards the militant movement, Gurnam Singh sent him away to Mumbai to live with a relative and work as a truck driver. From the beginning of 1992, the police from Ajnala and Raja Sansi began to raid his house with the view to arrest Satnam Singh and, finding him absent, to pick up Gurnam Singh and his other sons for interrogation. The police did not believe that the family was not in contact with Satnam and tortured them brutally, particularly his elder brother Major Singh, for information. Major Singh became mentally imbalanced and to date has not been able to recover from the effect of his torture.

In the middle of August 1992, Raja Sansi police arrested Gurnam Singh and held him in illegal custody for several days. On 21 August, Raja Sansi police, led by ASI Jeet Singh, arrested Satnam Singh from a house in village Ladai. Satnam Singh was brought to Raja Sansi police station and, for the next two days, brutally tortured in front of his father. In the night intervening 22 and 23 August 1992, the police killed Satnam Singh, one of his relatives Hardeep Singh from Kakkar village, and a third person described as an unidentified militant in a fake encounter that supposedly took place on the canal bridge near village Bagge. Police released Gurnam Singh from the illegal custody after killing the three boys whose bodies were cremated at the Durgiana Mandir cremation ground in the presence of their relatives.

Twenty-three-year-old Hardeep Singh alias Deepa, s/o Kulwant Singh, was from Kakar Tareen village near post office Sorian under Lopokey police station in Ajnala

sub-division of Amritsar district. He was unmarried and was involved with the underground militant movement. The police used to regularly raid his house and arrest his relatives, including uncle Gurmel Singh, grandfather Harbans Singh and others, and torture them for information.

The police arrested Hardeep on 20 August 1992 outside Sangam Cinema Hall in Amritsar and interrogated him under torture for information that led to Satnam's arrest. Both were killed along with a third person described as an unidentified militant, in the same encounter on 22 August 1992 night. The CBI's list of unidentified cremation, Under serial no. 220/327 shows that Raja Sansi police carried out the third cremation on 23 August 1992.

313. Under serial no. 341/60, the list identifies cremation of Balwinder Singh alias Bajjar, s/o Jagir Singh, r/o Shalipur, PS Beas, carried out by Harbans Singh of C Division police station on 1 October 1992 under FIR no. 226/92. The list does not show a post-mortem report number. The cause of death is given as "police encounter".

The CCDP has gathered the following information about this case from its incident report form no. CCDP/01633. The main informant is the victim's uncle Arjan Singh.

Twenty-three-year-old Balwinder Singh, son of Jagir Singh and Surjit Kaur, was a tailor, and was from village Shahpur, post office Butala, under Beas police station, in Baba Bakala sub-division of Amritsar district. He was unmarried. Balwinder had five brothers and three sisters.

In 1988, while Balwinder was running a tailor shop at a nearby village, Butala, the Beas police began to raid his house, suspecting him of having links with militants. Balwinder Singh left home from fear of the police and refused the attempts of his family to produce him before the police. Balwinder joined the militancy, becoming one of its known members. From the time he deserted home until his murder, the police subjected his family to brutal torture and illegal detentions.

On 30 September 1992, at about 7 p.m. Amritsar police raided Balwinder Singh's rented house near Karori Chowk in Amritsar city. His land-lady, an aged woman, came to his parents' house and informed them that on that day Balwinder had a fever and was lying down when the police raided the house and arrested him. The police did not let anyone else approach the scene of the incident, keeping a police watch there until the next day. On 1 October 1992, newspapers reported the police's story that Balwinder had committed suicide by consuming cyanide. This contradicts the cause of death given by the CBI in its list.

The police did not inform the family about his cremation. A few days later, the family collected his ashes from Durgiana Mandir cremation ground. That same day, the police raided their house, but did not arrest any one.

The police harassment and illegal detention of Balwinder's family continued until 1995. After the murder of Balwinder Singh, the police arrested his brother Dalbir Singh, an employee of the Punjab State Electricity Board. They arrested and interrogated him twice. The family members produced Dalbir Singh before senior police officers in the presence of IG (crime) Gurcharan Singh Bhullar. The political leaders of the area demanded that the police stop harassing the family. The police gave

assurances that they would not harass Balwinder's family anymore, and the DSP of Baba Bakala, Darshan Singh Mann, gave the family a note in writing stating that anyone who wanted Dalbir Singh should personally contact the DSP. For about two months, the family lived peacefully.

On 12 December 1992, the Sri Hargobindpur police raided the family house and arrested Balwinder's father Jagir Singh. They released him on 16 January 1992 after interrogating him about his son Dalbir Singh.

While Jagir Singh was in custody, the Sri Hargobindpur police also arrested Sardara Singh, son of Deva Singh, 30-year-old. He had been arrested before due to his familial relation with Balwinder Singh; Sardara Singh was Jagir Singh's brother-in-law. While he was in custody, the police brought Sardara Singh to his house in a critical condition. The family says that one of his legs had been fractured. After detaining him illegally for several days, the police showed him to have been killed in an encounter near village Lohgharh.

One morning around 10 January 1993, a police party from Sri Hargobindpur, led by SHO Mehnga Singh, raided village Shahpur. They arrested Dalbir Singh who was preparing to leave for work. Since Jagir Singh was still in police custody, no one could pursue the release of Dalbir Singh. Around 14 January 1993, a newspaper reported that the police killed a militant Dalbir Singh alias Sahibi in an encounter near village Bolewal under Ghuman police station. Another youth from village Dhardeo was also killed in that encounter.

In January 1993, the Beas police took Bachan Singh, brother of Jagir Singh, into custody, subjecting him to brutal torture. They released him after two months. Bachan Singh was bed-ridden for three to four years from the police torture, and eventually succumbed to his injuries in 1997.

314. Under serial no. 350/62, the list identifies the cremation of Randhir Singh alias Dhir Singh, s/o Chanan Singh, r/o Parrewal, PS Ramdas, carried out by SHO Baldev Singh of Raja Sansi police station on 11 November 1992 under FIR no. 72/92. The post-mortem report is marked ND/FM/654/92 and the cause of death is given to be "police encounter".

The CCDP has got the following information from its incident report form no. CCDP/01619. The main informant is Randhir's mother Tej Kaur.

Randhir Singh, son of Channan Singh and Tej Kaur, had retired from the army in 1980 and then started living as a farmer at village Pairewal, post office and police station Ramdas, in Ajnala sub-division of Amritsar district. He was married to Kashmir Kaur.

One year after his discharge from the army, Randhir got involved in a domestic quarrel with his cousin Ranjit Singh and murdered him. Randhir was tried and sentenced to life imprisonment, but came out on parole after three years. During his parole, Randhir developed contacts with members of the underground militant movement and never went back to jail. The police started harassing the family members, but they had no clue about his whereabouts.

In October 1992, the Amritsar police arrested Kashmir Kaur, Randhir's wife, and tortured her for information about her husband's current whereabouts. She was forced to reveal that he had purchased some land in Ropar district of Punjab and was living

there. The police forced Kashmir Kaur to accompany a joint team of the Amritsar and Raja Sansi police to Ropar where they arrested Randhir Singh and one of his associates and brought them to B Division police station in Amritsar. Randhir Singh was produced before a court at Ajnala and charged with offences under sections 379 (theft) and 411 (receiving stolen property) of the IPC, also under the Arms Act and the TADA in FIR no. 70/92. The court granted further police remand for police investigations.

That same night, Randhir was shown to have been killed in an encounter. According to the official story, the Raja Sansi police were taking him for the recovery of weapons when a group of militants attacked the police convoy near village Dalam. Randhir managed to break the belt of constable Jagdish Singh to which his handcuffs had been hooked. He escaped. However, his body was later recovered from the site of the encounter.

The police did not inform the family about Randhir's killing and carried out the cremation themselves.

315. Under serial no. 362/66, the list shows the cremation of Balwinder Singh alias Baba Waryam Singh, s/o Sukhdev Singh, r/o Sarhalli carried out by SHO Harbhajan Singh of Chhearta police station on 27 November 1992 under the FIR no. 207/92. The list does not refer to a post-mortem report number. The cause of death is given to be "police encounter".

The CCDP has gathered the following information about this case through its incident report form no. CCDP/01025. The main informants are the victim's mother Sukhwant Kaur, his younger brother Jaswinder Singh and father Sukhdev Singh.

Son of Sukhdev Singh and Sukhwant Kaur, 23-year-old Baljinder Singh was studying for a diploma in electronics at the Polytechnic College in Amritsar and used to live in a students' hostel in the city. His parents lived in Ghannupur village, close to a gurdwara, under Chheharta police station a little outside the city of Amritsar. Sukhdev Singh was a teacher and Baljinder was an active member of the Sikh Students Federation. Baljinder was unmarried and used to visit his parents in the village every weekend.

In early 1988, the police began to raid his house with the view to arrest him for an interrogation. Later that year, Baljinder was arrested outside of his village when he was going to visit his parents for the weekend. The abduction was carried out by officials belonging to Tarn Taran's CIA staff. Baljinder was detained illegally for two weeks and tortured under interrogation. But the police released him without pressing any criminal charges. Baljinder was arrested again in June 1990 at Patti bus stand when he was going to visit a relative in the city. The abduction was witnessed by a milk vendor from Ghannupur village who informed his family members about it. Several members of the village council accompanied his father Sukhdev Singh to Patti police station where SHO Major Singh admitted having Baljinder in his custody and demanded Rs. 20,000 to release him. Sukhdev Singh paid the money and got Baljinder Singh released. Baljinder was fed up by repeated police abductions and decided to leave home and go underground.

The police continued to raid his house and, finding him absent, would often arrest his family members, particularly his father Sukhdev Singh and his brother Jaswinder Singh.

One day in the last week of October 1992, a joint police force comprising the Punjab police led by SHO Major Singh of Sarhalli police station and a contingent of the CRPF raided Sukhdev Singh's house and took him and his younger son Jaswinder into custody. They were first taken to the B.R. Model School interrogation center at Amritsar where they were interrogated under brutal torture about Baljinder's whereabouts. Later that day, both of them were moved to Sultanwind police station and then again to the CIA staff interrogation center at Tarn Taran. For four days, both Sukhdev Singh and Jaswinder were ruthlessly tortured. Jaswinder described his experience:

"At the B.R. Model School, SHO Major Singh, assisted by six other policemen, interrogated us. I was taken to a big hall. The SHO slapped me many times and asked me to disclose where my brother was. I did not know and told him so. The SHO said, 'Alright, let me help you remember where your brother is hiding', and had me hung upside down from the ceiling with several policemen beating me with long sticks. After some time, I was brought down and asked the same question. As I was not able to give any answer, the policemen started pulling my legs apart horizontally, rupturing my thigh muscles. Then they tied my hands and legs and started administering electric shocks. All the time, my interrogators kept repeating the same question. I just did not know where my brother was. Otherwise, I would have disclosed it to escape my torture. After two hours, I was taken out of the room and then my father was brought in. I was semi-conscious, but still I could hear my father shrieking in pain. He was tortured for three hours.

"Later, both of us were forced into a jeep and taken to Sultanwind police station where we were locked up in a cell for two hours. No one tortured or questioned us there. But two hours later, we were taken to the CIA staff office in Tarn Taran where the same process of interrogation recommenced."

Sukhdev Singh and Jaswinder were released five days later from the illegal custody after the Teachers' Union in Punjab threatened to go on a strike unless they were let off. On 31 October 1992, Sukhdev Singh and his father-in-law Sulakhan Singh were arrested again from their house by SI Avtar Singh of Sarhalli police station and taken away for interrogation. Both of them later disappeared.

On 26 November 1992, several newspapers in Punjab reported the killing of Baljinder Singh in a police encounter that had supposedly taken place near village Ghumanpur. The local people said that there had been no such encounter near their village. The family could not find out what really happened and also did not know anything about his cremation on 27 November 1992 until the CCDP members informed them about its mention in the CBI list.

316 – 317: Under serial nos. 363/67 and 364/68, the list identifies two cremations carried out by SHO Harbhajan Singh of Chhearta police station under FIR no. 323/92 on 16 December 1992. They are of [1] Pyara Singh, s/o Shingara Singh, r/o Sultanwind, Amritsar; and [2] Sukhdev Singh alias Sukha alias Hakim Singh, s/o Santa Singh Mazhabi, r/o Shahjada. The post-mortem report numbers are not given. The cause of death is mentioned as "police encounter".

The CCDP has gathered the following information about Sukhdev Singh through its incident report form no. CCDP/01256. The main informant is the victim's sister-in-law.

Twenty-three-year-old Sukhdev Singh was from Shehzada village under Kathu Nangal police station in Amritsar district. His father Santa Singh was a *Mazhabi* Sikh with less than five acres of farmland. After completing his school, Sukhdev Singh obtained a diploma in pharmacy; then he worked as an assistant to a doctor in a clinic at Bichla Qila, Lal Singh in Batala sub-division of Gurdaspur district. He was also an accomplished singer and used to get invited to give performances at marriage functions. Sukhdev was married to Lovinder Kaur and had two children, a daughter and a son who are now 13 and 10. According to the family members, Sukhdev did not have a political background and had never been arrested.

On 1 December 1992, Sukhdev Singh was invited to give a performance at a function in village Chetanpura near Amritsar where he also had some relatives. According to family members, Sukhdev was briefly visiting a relative in village Khas on December 2 when the Amritsar police arrested him and brought him to Majitha police station. His wife Lovinder Kaur and her sister Harjinder Kaur met him there two days later. The police officers at Majitha station told them that they had detained him on suspicion and would release him in a few days after they had verified his statements. When Lovinder Kaur went back to the police station the next days, the officers said that he had been sent to Amritsar for interrogation and she could not meet him again.

On 17 December 1992, newspapers published a report on an encounter, based on a police handout, stating that a militant Pyara Singh, s/o Shingara Singh from Sultanwind in Amritsar was being taken for recovery of weapons under escort when a group of militants led by Sukhdev Singh alias Hakim Singh of Shehzada village attacked the convoy with the intention of rescuing Pyara Singh. In the ensuing encounter, both militants were killed.

The police had already carried out the cremations when the families learnt about the killing of Sukhdev Singh and Pyara Singh.

Cremations in the Police District of Majitha

318. Under serial no. 35/1, the list identifies the cremation of Sukhdev Singh alias Pandit, s/o Angrez Singh, r/o Chamiaree carried out by the Ajnala police on 03 October 1987. There are no FIR or post-mortem report numbers. The cause of death is given as "police encounter".

The committee has gathered the following information about this case through its incident report form no. CCDP/01264. The main informant is the victim's widow Sawinder Kaur.

Twenty-five-year-old Sukhdev Singh, son of Angrez Singh and Prakash Kaur, was a resident of Chamiari, Bhasinian Di Patti, under Ajnala sub-division in Amritsar district. He was married to Sawinder Kaur and had a son Satinder Pal Singh who is now 17.

Sukhdev, a baptized Sikh, had been an active member of the Sikh Students

Federation since early 1982 and had participated in the Akali Dal's agitation launched in 1982 that was crushed by the June 1984 military operation. Sukhdev was also arrested in June 1984 and jailed at Jodhpur prison in Rajasthan for the next 18 months. Following his release, Sukhdev tried to busy himself with his agricultural work, but the police continued to arrest and torture him in illegal custody out of suspicion about his political connections. Sukhdev, fed up by the harassment, left his home and began to live at his sister's house in Tole Nangal.



Sukhdev Singh

On 1 October 1987, the Ajnala police raided his sister's house at Tole Nangal village where he was staying with his wife. Sukhdev managed to dodge the police but was later arrested the same evening at village Bhitte Wadh. The police interrogated him for two nights and then killed him in a fake encounter. The police carried out the cremation without informing the family who learnt about the killing from a newspaper report from 4 October 1987.

According to Sawinder Kaur, the police arrested Sukhdev's sister's son Kuldeep Singh, son of Lakha Singh, from his village Tole Nangal one month after eliminating Sukhdev and killed him as well in a separate incident of encounter faked near village Harsha Chheena.

319. Under serial no. 42/2, the list identifies the cremation of Balkar Singh alias Kala, s/o Bakhshish Singh, r/o Othion, Ajnala, carried out by the Lopoke police on 24 October 1987 under FIR no. 229/87. There is no post-mortem report number and the cause of death is given as "police encounter".

The committee has acquired the following information about this case through its incident report form no. CCDP/01454. The main informant is the victim's mother Kashmir Kaur.

Twenty-year-old Balkar Singh alias Kala, son of Bakhshish Singh and Kashmir Kaur, lived with his two brothers and sisters at village Othian in Ajnala sub-division of Amritsar district. His father had died when he was still young and Balkar, being the oldest of the sons, had to give up school to look after the family farm. According to Kashmir Kaur, some influential persons in the village who wanted to grab her family land began to feed the police false information about Balkar's political and militant connections, intending to get him into trouble. The police started picking him up for interrogation under torture. Balkar could not bear the torture and left home to join the underground, leading to police abuse of other family members.

On 23 October 1987, the Lopoke police raided a farmhouse at village Kolowal near Khuhalan where Balkar, along with two associates Major Singh and Balbir Singh, had found temporary shelter. The police took them into custody and shot Balkar dead in a supposed encounter a few hours later. Major Singh and Balbir Singh were killed in a separate incident of an encounter faked one week later.

320. Under serial no. 91/3, the list identifies the cremation of Charanjit Singh

alias Channi, s/o Gurnam Singh, r/o Jhalian, carried out by SHO Kashmir Singh of Jandiala police station on 8 July 1989 under FIR no. 107/89. There is no post-mortem report number and the cause of death is given as “police encounter”.

The CCDP has got the following information about this case through its incident report form no. CCDP/01665. The main informant is the victim’s brother Jasbir Singh.

Twenty-year-old Charanjit Singh alias Channi, son of Gurnam Singh and Jagir Kaur, was a resident of Janian village, post office Bundala, under Jandiala Guru police station, in Amritsar district. The younger of Gurnam’s two sons, Charanjit was unmarried.

After completing his matriculation examination in 1985, Charanjit came in contact with militants. The police found out about his contacts, and took him into custody and tortured him. They did not register a case against him, but routinely held him in illegal detention and tortured him under interrogation. Eventually in 1986, Charanjit left home and joined the militant underground. For the next three years, his family members suffered much harassment and torture in illegal custody. The police wanted them to locate Charanjit and produce him before the police. They were unable to do so.

On 7 July 1989, police arrested Charanjit and one of his associates Sukhdev Singh, son of Mohinder Singh of Nangal Guru village under Jandiala Guru police station in Amritsar, from a house in village Ekalgadda where they had taken temporary shelter. The police surrounded the house and opened fire, injuring both Charanjit and Sukhdev before taking them into custody. Soon, police reinforcements from Verawal police station and Tarn Taran arrived and took them both out into the fields and killed them in an orchestrated encounter.

Later that evening, around 7 p.m. the Jandiala Guru police took Charanjit’s father Gurnam Singh and Sukhdev’s mother into custody and brought them to the police station to identify the bodies. The police released both of them the next day and carried out the cremation of their sons without permitting the family members to be present there.

It is unclear why Sukhdev’s cremation is not recorded in the CBI’s list of identified cremations. The cremation figures in the partially identified list, Under serial no. 92/14. The list mentions that SHO Kashmir Singh carried out the cremation under FIR no. 107/89.

321. Under serial no. 95/5, the list identifies the cremation of Randhir Singh alias Deera, s/o Man Singh, r/o Munda Pind, carried out by SHO Rajinder Singh of Ramdas police station on 1 August 1989. There is no FIR nor post-mortem report number. The cause of death is given to be “police encounter”.

The CCDP has gathered the following information about this case through its incident report form no. CCDP/01500. The main informant is Heera Singh, the victim’s brother.

Randhir Singh alias Titu was the 16-year-old son of Mann Singh and Mohinder Kaur, resident of Munda Pind, Patti Doga, under Goindwal police station, in Khadur Sahib sub-division of Amritsar district. He was a matriculate, a member of the Sikh Students Federation and unmarried.

In his school days, Randhir started associating with the Akali agitation for Punjab's autonomy. Soon after Operation Blue Star in June 1984, he was arrested and incarcerated for the next two-and-a-half-years at the high security prison of Nabha. When he came out of jail towards the end of 1986, the police registered more cases against him. They also illegally detained and tortured him. Fed up with this pattern of persecution, Randhir left home to join the militancy. For the next two-and-a-half years, the police inflicted illegal detention, torture and humiliation on Randhir's family.

In the last week of July 1989, the Jandiala Guru police arrested Randhir from the house of his aunt Charan Kaur, wife of Ajaib Singh, at village Mallian. The police had raided the house very early in the morning when Randhir was saying his prayers. According to Heera Singh, he was interrogated under torture for a few days and then killed in a fake encounter.

The police carried out the cremation without informing the family.

322. Under serial no. 111/9, the list identifies the cremation of Balraj Singh alias Teeta, s/o Sukhdev Singh, r/o Kotla Gujran carried out by the SHO of Majitha police station on 28 August 1989 under FIR no. 94/89. The post-mortem report number is not given. The cause of death is mentioned as "police encounter".

The CCDP has gathered the following information from its incident report form no. CCDP/00774. The main informant is the victim's father Sukhdev Singh.

Twenty-two-year-old Balraj Singh alias Tota, s/o Sukhdev Singh, was a young farmer from the village and post office Kotla Gujjaran under Majitha police station of Amritsar district. He was married to Narinder Kaur and had a daughter, Jagroop Kaur, who is now 12.

According to Sukhdev Singh, Balraj was not involved with the militant movement, lived a normal life and was devoted to his family. On 27 August 1989, around midday, SHO Surinder Sood of Majitha police station and DSP Paramjit Singh Gill came to the house with a police force and took Balraj into custody. Sukhdev tried to tell them that his son had no links with militants, but they ignored him. The same night the Majitha police staged an encounter, killing Balraj Singh, together with Lal Singh alias Laadi, s/o Apar Singh from the same village Kotla Gujjaran. The police cremated the two at Seetla Mandir cremation ground at Amritsar as unidentified bodies.

The CBI's list of unidentified cremations, Under serial nos. 110/86 and 112/87, shows two unidentified cremations carried out by the Majitha police on 28 August 1989. Clearly, the CBI was able to identify one of the cremations to be that of Balraj Singh. The CBI's failure to identify the second cremation as that of Lal Singh who belonged to the same village, and according to Balraj's father, had been arrested at the same time, is difficult to comprehend especially because Balraj and Lal Singh were killed in the same faked encounter.

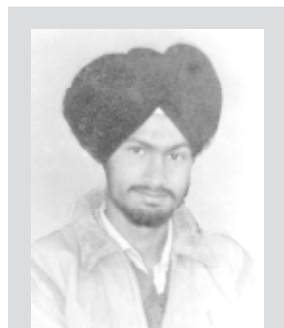
The police continued to raid Sukhdev's house after killing Balraj, eventually confiscating all valuable goods and then burning down his house. Sukhdev estimates the loss to be approximately Rs. 200,000. The police also horribly tortured him, implicated him in a criminal case and sent him to jail. Three months later, a special court acquitted him due to lack of evidence.

323 – 324: Under serial nos. 120/10 and 121/11, the list identifies two cremations carried out by SHO Swaran Singh of Mehta police station on 7 October 1989 under FIR no. 100/89. They are of [1] Malkiat Singh, s/o Shingara Singh, r/o Tarsika; and [2] Amarjit Singh, s/o Kartar Singh, r/o Tarsika. The list does not give the post-mortem numbers and mentions the cause of death as “police encounter”.

The committee has gathered the following information about these cases through its incident report form nos. CCDP/01201 and 01202. The main informants are the mothers of the victims, Sawinder Kaur and Joginder Kaur.

Twenty-three-year-old Malkeet Singh, s/o Shingara Singh, was a resident of village and post office Tarsikka, Nehar Pul, under Mattewal police station in Baba Bakala sub-division of Amritsar district. Employed by a transport company with a good salary of Rs. 8000, Malkeet was married to Paramjit Kaur.

In June 1989, Malkeet came in contact with some people and got involved with underground militant movement for a Sikh state. The police found out and started raiding his house to arrest him. Malkeet left home and joined the militants. The police confiscated his car, an Ambassador with the registration plate number PNO 2928, and also took the members of his family, including his wife, into custody to compel Malkeet to surrender. The police kept his family members in illegal police custody for three months until they captured and killed Malkeet in October. The police never returned Malkeet's car to the family.



Malkeet Singh

On 5 October 1989, the Mehta police arrested Amarjit Singh, s/o Kartar Singh who lived at Watalian Di Patti of Tarsikka village, when he was returning home after meeting Malkeet Singh. Amarjit was 20 and a tailor by profession. He was unmarried. Amarjit was tortured and

compelled to reveal the place of Malkeet's hiding. On the basis of this information, the police raided the house of Harbhajan Singh at Mehsampur village on 6 October 1989 morning and arrested Malkeet Singh who was sleeping there. The same night, Malkeet and Amarjit were shown killed in an alleged encounter near village Kot Khera. The next morning, SSP Anil Sharma told the press that both Malkeet Singh and Amarjit Singh belonged to the Babbar Khalsa and were involved in many terrorist crimes. The police also took the headmen of the village councils of Tarsikka and Kot Khera, Malkeet's wife Kulwinder Kaur and Amarjit's mother to the site of the alleged encounter and showed them the bodies. The families were allowed to attend the cremations at Seetla Mandir in Amritsar.

Kulwinder Kaur, Malkeet's widow, was very heart-broken and 40 days later she consumed poison and fed the same poison to her three-and-a-half-year-old daughter. Both of them died.

325 – 326: Under serial nos. 124/13 and 125/14, the list identifies two cremations carried out on 26 October 1989 by SHO Majitha. They are of [1] Sukhdev Singh alias Sukha, s/o Pyara Singh, r/o Tarsika; and [2] Gurjit Singh alias Baba Banta, s/o Kundan Singh, r/o Lashkari Nangal. The list does

not mention the FIR and the post-mortem report numbers. The cause of death is given as “police encounter”.

The committee has gathered the following information in these two cases through its incident report form nos. CCDP/01192 and 01262. The main informants are the widows of the victims, Gurjeet Kaur and Kuldeep Kaur.

Twenty-three-year-old Sukhdev Singh alias Sukha, s/o Pyara Singh, was a resident of village and post office Tarsikka, near Bhagatan Da Dera, under Mattewal police station in Baba Bakala sub-division of Amritsar district. Apart from cultivating his share of the family land, Sukhdev also owned a grocery shop in his village. Married to Gurjeet Kaur, he was the father of two sons, Jasraj Singh, now 15 and Baaj Singh, 13.

Sukhdev was a baptized Sikh and devotedly religious. The Indian army assault on the Golden Temple in June 1984 and the subsequent police excesses against the Sikh community in India initiated his interest in the militant movement for an independent Sikh state. Mehta police arrested Sukhdev for the first time in 1987 under the Arms Act. After six months of jail in Amritsar, Sukhdev Singh returned home on bail. But the police continued to raid his house, picking him up for interrogation under torture and compelling him to report daily to Mehta police station. The police also expected him to pay money not to be harassed. Sukhdev could not take these daily humiliations and left his home to join the militant underground.

The police continued to harass and torture his family members, who also left home to live with relatives. In their absence, the police confiscated all their household items and also demolished the house.

On 7 October 1989, Mehta police led by ASIs Malahar Singh and Sharma, raided the houses of two cousins of Sukhdev's wife, Kulwinder Singh and Joga Singh, who lived in Gharauan village in Bisma district of Uttar Pradesh. The raid followed the interrogation of Amarjit Singh and Malkeet Singh of Tarsikka village who the police then killed in a fake encounter on 6 October 1989 night. Sukhdev Singh was arrested from Gharauan village and brought to Mehta police station for interrogation. On 23 October 1989, Sukhdev's mother Balwant Kaur managed to meet him at Mehta police station after beseeching SHO Swaran Singh. Sukhdev was in a critical condition and could not even stand on his feet. The police had obviously tortured him brutally.

On 25 October 1989, Sukhdev was killed near Jagdev Kalan in an encounter staged to show that his militant colleagues tried to rescue him and two others when the police were taking them to recover weapons. Sukhdev Singh and two of his fellow prisoners allegedly died in the cross firing. Sukhdev's family members learnt about his killing after reading newspaper reports that also carried the pictures of the bodies.

Gurjeet Singh, s/o Kundan Singh from Lashkari Nangal within post office Guru Ka Bagh under Jhander police station in Ajnala sub-division of Amritsar district, was one of the persons killed along with Sukhdev Singh in the same encounter. He was a 35-year-old farmer married to Kuldeep Kaur and had two children.

Gurjeet had participated in the agitation launched by the Akali Dal in 1982 demanding a radical devolution of political power from the center to the states. The police arrested him after the June 1984 army's assault on the Golden Temple of Amritsar and tortured him in illegal custody. The police continued to harass him, picking him up regularly for interrogation and keeping him in illegal custody for

prolonged periods under torture. In 1987, Gurjeet Singh decided to join the ranks of underground militants who wanted to establish a sovereign Sikh state.

The police harassment of the family members continued, and they were eventually forced to leave their village and take shelter with relatives elsewhere. They could not cultivate their land for the next several years.

On 15 October 1989, the police arrested Gurjeet near a checkpoint set up on the canal bridge at Kathu Nagal while he was going across on a bicycle. Initially, he was detained at Kathu Nangal police station and then transferred for further interrogation to Majitha police station where several persons from his village in illegal custody saw him. At Majitha police station, Gurjeet was reportedly tortured and then sent to Mall Mandi interrogation center at Amritsar.

On 25 October 1989, Gurjeet was shown killed along with Sukhdev Singh of Tarsikka village and another unidentified person in an encounter that was staged near village Lashkari Nangal. The family learn about his killing after reading newspaper reports the next day that also carried the picture of his body.

According to Kuldeep Kaur, Gurjeet's widow who now lives with her parents at village and post office Sehnsra Kalan, Bhag Patti near "Gharat" in Ajnala sub-division of Amritsar district, Sakatter Singh Sakhira was the name of the third person killed in the same encounter. However, the CBI's lists of cremations do not show a third cremation on 26 October 1989 and we do not know what happened to the third body.

327. Under serial no. 130/15, the list identifies the cremation on 6 November 1989 of Surinder Singh alias Chinda alias Jagoo, s/o Mohinder Singh, r/o Mehandipur, PS Khemkaran, carried out by head constable Narinder Singh of Ajnala police station. There is no FIR or post-mortem report number. The cause of death is given as "police encounter".

The committee has acquired the following information about this case through its incident report form no. CCDP/01561. The victim's mother Parkash Kaur is the main informant.

Eighteen-year-old Surinder Singh, son of Mohinder Singh and Parkash Kaur, from village Mehndipur, under Khemkaran police station, in Patti sub-division of Amritsar district was a class VIII student.

In the wake of the army operation against the Golden Temple in June 1984, Surinder Singh and his younger brother Gurbaz Singh came under the influence of the Sikh militant upsurge in Punjab. The police started tormenting their family members and tortured them frequently in illegal police custody. The police so brutally tortured their father Mohinder Singh that he became bed ridden and eventually succumbed to his injuries. The family had to sell off much of its 11 acres of valuable agricultural land to cope with the situation. Eventually, the police killed both Surinder Singh and Gurbaz Singh.

On 5 November 1989, Surinder Singh was shown to have been killed in an encounter near village Kotli Sakkian Wali with the Ajnala police along with Kulwant Singh of Jagdev Kalan village. A few days after the killings, Parkash Kaur went to the village where the encounter had allegedly occurred to make her own inquiries and found out that, under police pressure, the inmates of a house where they used to

take shelter had given the two poisoned milk and, when they collapsed unconscious, the police dragged them away and killed them in an orchestrated encounter.

The CBI's list identifies only the cremation of Surinder Singh and it is not clear what happened to Kulwant's body.

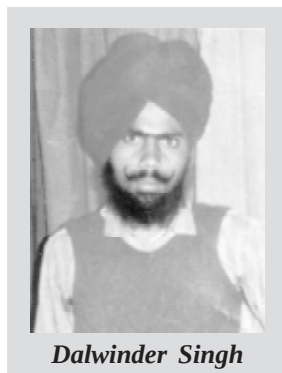
Some time after Surinder's killing, the CRPF raided the family house and took his younger brother Gurbaz Singh into custody. Gurbaz has since disappeared.

According to Parkash Kaur, the police also captured and killed three brothers of her husband Mohinder Singh. They are Sukhwant Singh, Balwant Singh and Kulwant Singh, all sons of Desa Singh.

328. Under serial no. 142/16, the CBI's list identifies the cremation of Dalwinder Singh, s/o Achin Singh, r/o Khiala carried out by the SHO of Lopoke police station on 28 February 1990 under FIR no. 27.2.1990. The list does not show a post-mortem report number and the cause of death is given as "police encounter".

The committee has gathered the following information about this case through its incident report form no. CCDP/00329. The main informant is the victim's father.

Twenty-year-old Dalwinder Singh, s/o Achhar Singh, was a resident of Khiala Khurd, post office Khiala Kalan under Lopoke police station in Ajnala sub-division of Amritsar district. His father was a poor farmer and was unable to send him and his brother Gulzar to school. In December 1987, Dalwinder found a job as a truck driver for a transport company in Gwalior city of Madhya Pradesh.



Dalwinder Singh

In April 1988, the police killed his brother Gulzar after capturing him in a staged encounter. Dalwinder returned to his village to be with his parents and console them. However, the police also arrested him when he went to Amritsar to visit the Golden Temple. They tortured him at Mall Mandi interrogation center. A person from Khiala Khurd village who had gone to Mall Mandi police station to pursue the case of his son, also under illegal detention there, came to know about Dalwinder's case and informed his family about his being under interrogation there. Achhar Singh contacted a relative who was a former police officer, Veer Singh from Roori Wala village near Chauhara Sahib, to help him. Veer Singh met DSP Gurmel Singh Bai at Mall Mandi interrogation center and managed to rescue Dalwinder who the police had implicated in a case under TADA and sent to Amritsar jail. Dalwinder was allowed bail after six months, and he came out of Amritsar jail at the end of 1988.

The police began to raid his house again and, scared of further torture, Dalwinder Singh left his house.

On 27 February 1990, Dalwinder came to visit his village, but decided to sleep in the house of Gurmej Singh, s/o Soorta Singh. The police found out and, led by SHO Dharam Singh of Lopoke police station, raided the house. Dalwinder was inside talking to Gurmej's family members when the police came into the room and shot him dead. The cremation was carried out by the police, and the family learnt about it after

his body had been burnt. The police arrested Gurmej Singh of Khiala Khurd in a criminal case and sent him to jail.

329 – 330. Under serial nos. 218/21 and 219/22, the list identifies two cremations on 28 January 1991 that were carried out by SHO Swaran Singh of Kathunangal police station under FIR no. 20/91. They are of: [1] Babli, s/o Swaran, r/o Maqboolpura; and [2] Sucha Singh, s/o Mohinder Singh, r/o Dadewali. The post-mortem reports are not mentioned and the cause of death is given to be “police encounter”.

The committee has acquired the following information through its incident report form nos. CCDP/01668 and 01669. The main informants are the mothers of the two victims.

The correct name of the person identified by the CBI's list as Babli was Balwinder Singh alias Baghiar. Eighteen-year-old Balwinder, a *Mazhabi* Sikh, was the son of Swaran Singh and Maio, resident of Chachowali village, post office Jaintipur, under Kathu Nangal police station, in Amritsar district. One of four brothers, Balwinder's father Swaran Singh, a resident of Maqboolpura, was apparently an alcoholic and did nothing to support the family. His mother Maio, along with her four sons and daughter, returned to her parents' village Chachowali where she and her sons worked as agricultural workers during peak seasons.

Balwinder was unmarried and in 1990, according to his mother, developed links with members of the militant underground. The police started raiding his house and Balwinder dodged the police.

Seventeen-year-old Sucha Singh, son of Mohinder Singh and Kuldeep Kaur, also from Chachowali village, wrongly identified by the CBI's list as Dadewali, under post office Jaintipur under Kathu Nangal police station in Amritsar district, was also a *Mazhabi* Sikh. Like Balwinder, he earned his livelihood as a farm worker. According to his mother, Sucha Singh had never been arrested and had no links with the militant movement.

Early on 25 January 1991, Balwinder, who had been absconding from home for some months, was visiting the Gurdwara Baba Nigah, and Sucha Singh, who had known him as a *Mazhabi* Sikh of the village, had gone to see him there. The police found out about Balwinder's presence and together with a contingent of the army launched an operation to nab him. Both Balwinder and Sucha Singh were killed just outside the gurdwara as they tried to escape the cordon around the temple complex. As the incident happened in the village itself, the family members of both Balwinder and Sucha Singh found out about it very soon and reached the gurdwara. The bodies had already been removed to Kathu Nangal police station. The police carried out the cremations and did not allow the family members to attend.

331. Under serial no. 227/23, the list identifies the cremations on 18 February 1991 of Amarjit Singh, s/o Mohinder Singh, r/o Sathiala carried out by SHO Rajan Singh of Beas police station. There is no FIR number. The post-mortem report is marked as 177/18.2.1991. The cause of death is given as “police encounter”.

The committee has acquired the following information through its incident report form no. CCDP/01225. The main informant is the victim's widow Paramjit Kaur.

Twenty-seven-year-old Amarjit Singh, s/o Mohinder Singh from Gopi Di Patti in village Sathiala under Beas police station in Baba Bakala sub-division of Amritsar district, was a soldier in the 286 Medium Regiment of the army. He was married to Paramjit Kaur and had three daughters. The eldest of them is now 15.

In February 1991, Amarjit came home on leave. Around 5 p.m. on 17 February 1991, Amarjit was walking home from the village bus stand when he was stopped in front of the village gurdwara chat with Malkeet Singh of his village. Just then, a truck carrying a group of CRPF personnel came to halt in front of the gurdwara. Before Amarjit could realize it, the CRPF men pointed their guns at him and Malkeet Singh and made them put their hands up. Amarjit started telling the CRPF men that he was an army soldier and had come to his village on a short leave. He also took out his identity card, but the CRPF men did not flinch and shot both of them dead, picked up their bodies and left. The next day, newspapers published a report about the killing of two militants in an encounter near Gakhar Baba, on the outskirts of village Sathiala.

Amarjit's body was not returned to his family members; nor could they attend the cremation. They, however, immediately informed Amarjit's regiment about his murder. Senior army officers came to the village and, after investigating the case, court martialed sub-inspector Sardool Singh and havaldar Dharam Pal on charges of murder. They were sentenced to death by hanging. According to the family members, the sentence was carried out on 17 February 1993 evening at the army jail in Secunderabad. The family of Amarjit Singh received the full service benefits from the army.

According to the CBI's partially identified list of cremations, Under serial no. 228/26, Jandiala police carried out the cremation of Malkeet Singh, s/o Dharam Singh, on 18 February 1991. Malkeet Singh's story is summarized in the appropriate section.

332 – 333. Under serial nos. 233/24 and 234/25, the list identifies two cremations carried out by the SHO of Mehta police station on 4 March 1991 under the FIR that is unusually numbered as 4.3.91. They are of [1] Raghbir Singh alias Beera, s/o Pratap Singh, r/o Ranmeeko, and [2] Nirmal Singh alias Bittu, s/o Mohinder Singh, r/o Ranmeeko. There is no reference to the post-mortem reports. The cause of death is mentioned as “police encounter”.

The committee has gathered the following information about these cases through its incident report form nos. CCDP/01701 and 01700. The main informants are Raghbir's father Pratap Singh and Nirmal Singh's brother Swaran Singh.

Twenty-three-year-old Raghbir Singh alias Beera, son of Pratap Singh, was a resident of village Ranseeke Talla, post office Fattupur, under Dera Baba Nanak police station in district Gurdaspur. A baptized Ramgharia Sikh, Raghbir had completed his matriculation to become a mason. Apparently, he had no background of political involvement and had never been arrested by the police. Raghbir was unmarried.

Twenty-four-year-old Nirmal Singh alias Bitta, son of Mohinder Singh and Kans Kaur, was, like Raghbir, a resident of Ranseeke Talla village of Gurdaspur district, a baptized Ramgharia Sikh and also a mason. Nirmal was married to Rajwant Kaur. According to his brother, Nirmal also had no political or militant background and had never been arrested.

In the third week of February 1991, a group of officers from the Mall Mandi interrogation center at Amritsar, led by sub-inspector Kripal Singh, came to Ranseeke Talla village and arrested Nirmal Singh from his residence. They arrested Raghbir Singh from the main street of the village when a Sikh prisoner in the custody of these officials pointed him out. Nirmal's brother Swaran Singh identifies this prisoner as Jassa Singh of Athwal village. Many residents of the village witnessed these arrests. These witnesses also recognized sub-inspector Kripal Singh because he was earlier posted at Dera Baba Nanak police station.

The next day, the family members of both Raghbir and Nirmal, along with several members of the village council, went to Mall Mandi interrogation center at Amritsar and met sub-inspector Kripal Singh. The sub-inspector said that both of them were under interrogation and they would release them after some days. On 28 February 1991, the two families dispatched registered petitions addressed to the Prime Minister and the President of India, the governor of Punjab, the Chief Justice of the Supreme Court and of the High Court of Punjab and Haryana, Punjab's DGP and the chairman of the Punjab Human Rights Commission. The petitions narrated the circumstances of Raghbir and Nirmal's arrest and beseeched them to intervene to rescue them from illegal custody. Raghbir's father Pratap Singh received an acknowledgement from the office of Punjab's governor, marked 91/818/C46, stating that they had forwarded the complaint to the finance commissioner (home) for further action.

The family members of the two boys continued to meet inspector Kripal Singh and other senior officials, including the SSP of Majitha police district, to beseech them to either release the boys from illegal custody or bring them before a court. The SSP and also sub-inspector Kripal Singh continued to promise to release them after interrogation.

On 4 March 1991, several Punjabi newspapers published a report about the killing of Raghbir and Nirmal in a police encounter that supposedly occurred when a group of militants attacked the police taking them for the recovery of their hidden weapons. The report claimed that one of the attacking militants was also killed in the encounter.

The police carried out the cremations without informing the families.

The CBI's list of unidentified cremations, Under serial no. 235/184, shows that the Mehta police, on 4 March 1991, carried out the third cremation of an unidentified person who had supposedly been killed in the same encounter. The post-mortem report is marked as GM/FM/277/91.

334. Under serial no. 239/26, the list identifies the cremation on 16 March 1991 of Satnam Singh, s/o Ajit Singh, r/o Bogupur, police station Patti, carried out by SHO Rajinder Singh of Beas police station under FIR no. 60/91. The post-mortem report is marked as 276/16.3.1991, and the cause of death is given as "police encounter".

The committee has gathered the following information about this case through its incident report form no. CCDP/01661. The main informant is the victim's uncle Jagtar Singh Chatha.

Twenty-five-year-old Satnam Singh, from Bhagupur village in Patti sub-division

of Amritsar district, was the youngest of Ajit Singh's three sons. He was unmarried and helped his father with the agricultural work.

Ajit Singh decided to shift his family to Uttar Pradesh after his elder son Daya Singh got involved in a personal feud with a fellow villager, and ended up murdering him in a fit of anger. As fate would have it, Ajit Singh himself was murdered somewhere in Uttar Pradesh. Daya Singh completed his term of sentence and then returned to Punjab to join the militant ranks. Daya Singh was killed in a reported encounter that took place in the middle of 1990. It has not been possible for us to obtain more specific information about these events from Satnam's uncle, the only member of the family who continues to live in the village.

After his brother's death, Satnam also decided to join the militants' ranks.

The Majitha police arrested Satnam in early March 1991 and interrogated him under severe torture at the Mall Mandi interrogation center. On 17 March 1991, several newspapers published a report about the killing of Satnam Singh Bhagupur and Satnam Singh Sugga, two militants, when their companions supposedly tried to rescue them from police custody. The newspapers quoted SSP Paramjit Singh Gill of Majitha police district as the source for the story.

The family members could not attend the cremations carried out by the police.

335. Under serial no. 249/27, the list identifies the cremation on 24 April 1991 of Harbhajan Singh, s/o Sohan Singh, r/o Verka carried out by the SHO of Majitha police station under FIR no. 43/91. There is no post-mortem report number and the cause of death is mentioned as "police encounter".

The committee has acquired the following information about this case through its incident report form no. CCDP/01410. The main informant is the victim's widow Salwinder Kaur.

Thirty-five-year-old Harbhajan Singh, s/o Sohan Singh, was a resident of House No. 16/1441 in village and post office Verka, behind Gurdwara Nanaksar, in Amritsar district. He was a carpenter by profession and was married to Salwinder Kaur with three sons. The eldest son Shamsheer Singh is now 25.

The only son of a Jat Sikh family originally from Mehma Chack village in Gurdaspur district without any agricultural land, Harbhajan had moved to Verka town along with his parents nearly 20 years ago to set up a carpentry shop there. As a baptized Sikh, he was intensely religious and was involved in the management of the historic gurdwara of Nanaksar in Verka. He had also founded an organization called *Nawjawan Sewak Jatha*, (Youth Voluntary Force) that was involved primarily in mobilizing voluntary work for the construction and repair of Sikh religious places. According to his family members, Harbhajan had no other political or militant associations.

In the beginning of the year 1991, a policeman was killed in Verka. According to the family members, Harbhajan had no hand in the episode, but his village rivals instigated the police to name him as a suspect. When the police came to raid the house, Harbhajan slipped away, fearing custodial torture and implication in a criminal case. The police started harassing his family, raiding the house frequently, detaining close relatives at the police station for interrogation and torturing them in custody.

On 22 April 1991, Harbhajan was visiting the house of one Dara Singh in village

Makhanwindi. The Majitha police surrounded Dara Singh's house and arrested Harbhajan Singh; they started beating him in the village Makhanwindi itself. According to the eye-witnesses, the police beat him so severely that Harbhajan lost consciousness and the policemen had to physically lift him into their vehicle.

On 23 April 1991 night, the police staged an encounter near village Hamza and declared Harbhajan Singh killed. The police carried out the cremation at Durgiana Mandir cremation ground in Amritsar. Local newspapers published a report about the encounter on 25 April 1991.

The police continued to harass the family by raiding their house and questioning family members everytime a terrorist incident occurred in the area.

336. Under serial no. 253/30, the list identifies the cremation on 27 May 1991 of Kartar Singh, s/o Buta Singh, r/o Adaliwal under Majitha police station, carried out by the SHO Gernail Singh of Ramdas police station. There are no FIR and post-mortem report numbers. The cause of death is mentioned as "police encounter".

The committee has gathered the following information about this case through its incident report form no. CCDP/01307. The main informant is the victim's brother Balwant Singh.

Forty-year-old Kartar Singh, s/o Boota Singh, was a resident of village and post office Adaliwal, Mazhabian Di Thathi, under Raja Sansi police station in Ajnala subdivision of Amritsar district. Kartar Singh had retired from the army after serving for 15 years. He was married to Lakhwinder Kaur and had eight children; five daughters and three sons. There were many mouths to feed and, as a *Mazhabi* Sikh, Kartar had no agricultural land to cultivate. Kartar began to drive a three-wheeler taxi in the city of Amritsar to earn his livelihood.

In 1990, Amritsar police arrested Kartar on the suspicion of having links with militant organizations. They charged him under the Arms Act and TADA and lodged him in Amritsar's high security jail for nine months. After his release on bail, when the police continued to harass him, Kartar decided to shift his residence to Amritsar city and began to live there in a small rented place.

Around 7 p.m. on 25 May 1991, SHO Mohinder Singh of Ajnala police came with a force to raid Kartar Singh's house at village Adaliwal. Kartar was in Amritsar, but his brother Balwant was home. The police immediately started beating him, assuming he was Kartar Singh. When Balwant disclosed his identity, the SHO forced him to come along with him to Amritsar and to guide him to the place where Kartar lived. The police reached Kartar's place to find him resting. They immediately grabbed him and started tying his hands behind his back. When Kartar Singh's wife Lakhwinder Kaur protested, SHO Mohinder Singh slapped her across her face and she fell down unconscious.

The police took both Kartar and his brother Balwant to the Mall Mandi interrogation center in Amritsar and started torturing Kartar immediately. He was tortured in front of his brother and also given electric shocks. After screaming in agony for some time, Kartar lost consciousness. The SHO then asked Balwant to leave the interrogation center and had him dropped in a police vehicle at Raja Sansi bus stand. From there he returned home.

The next morning, Balwant went back to Mall Mandi interrogation center

planning to plead with the SHO to either release Kartar from illegal custody or charge him formally and present him before a court. But he was not allowed to enter the interrogation center and the SHO refused to meet him.

On 28 May 1991, the newspapers published a report about the killing of a militant named Kartar Singh, along with an unidentified accomplice, in an encounter near Ramdas. After reading the news report, Balwant along with Kartar's widow and children went to Seetla Mandir cremation ground in Amritsar where the attendants told him that the police had brought two bodies and cremated them together on a single pyre.

The CBI's list of unidentified cremations does not show any other cremation carried out by either Ramdas or Ajnala police.

337 – 338: Under serial nos. 262/32 and 263/33, the list identifies two cremations carried out by SHO Rajinder Singh of Kathunangal police station on 17 June 1991. The FIR no. is mentioned as 16. 6. 91. The cremations are of: [1] Gurmail Singh alias Gullu alias Pappu alias Udhasap, s/o Niranjan Singh, r/o Cheema; and [2] Prem Singh alias Prema, s/o Mohinder Singh, r/o Cheema. The post-mortem report numbers are not given. The cause of death is mentioned as “police encounter”.

The committee has acquired the following information about these two cases through its incident report form nos. CCDP/01204 and 01205. The main informants are Mohinder Singh, Gurmel's father, and Balbir Kaur, Prem Singh's mother.

Twenty-year-old Prem Singh was the only surviving son of Mohinder Singh and Prakash Kaur who lived at Cheema Patti in village Cheema Baath under Beas police station of Baba Bakala sub-division in Amritsar district. Mohinder Singh's father had actively participated in India's struggle for freedom from the British rule and had spent three years in prison for his participation in the gurdwara reform movement. Later, he served as an elected member of the SGPC consecutively for three terms.

After completing his school, Prem Singh began to help his father in his agricultural work and also became a member of the local marketing committee. According to Mohinder Singh, Prem had no other political or militant connections. He married Paramjit Kaur with whom he had a son, Zoravar Singh, now 11.

In the beginning of 1991, the Amritsar police had picked him up on suspicion and interrogated him under torture at Mall Mandi interrogation center. But he was released after some days when his village council, as a group, intervened to vouch for his innocence. On 2 June 1991, Paramjit Kaur gave birth to their son and he went to Pheruman and Taung villages to invite his relatives. On the way, at Raiyya, he met Gurmel Singh, s/o Niranjan Singh from his village, and both of them then borrowed a motor cycle and went to Pheruman.

Twenty-two-year-old Gurmel Singh, alias Gela, s/o Niranjan Singh and Balbir Kaur, was from the same village and was known to Mohinder Singh. His father Niranjan Singh had died, and Gurmel along with his two brothers, Gurnam Singh and Sarabjit Singh, were engaged in agricultural farming. Gurmel was unmarried.

In February 1991, the police began to raid his house with the view to arrest Gurmel who they suspected of maintaining links with militants. Gurmel deserted home, and the police began to harass his brothers.

It is not clear whether Gurmel and Prem were friends or whether Prem Singh had

to take him along with him to Pheruman village by force.

In Pheruman village, SHO Kahlon of Beas police station arrested both of them. At that time, his father Mohinder Singh was also in Pheruman village where he had gone separately to invite some of his relatives to the function organized to celebrate his grandson's birth.

Immediately, Mohinder Singh organized a trolley full of people from the village and reached Beas police station whose SHO admitted to having arresting Prem Singh and even allowed them to meet him. The SHO promised to release him the next morning after some interrogation. The next morning when Mohinder Singh, along with his village council, reached Beas police station, he was told that on instructions from his superior officers, he had transferred Prem Singh and Gurmel Singh to Mall Mandi Interrogation center at Amritsar. Mohinder Singh and his companions then went on to the Mall Mandi interrogation center, but were not allowed to enter the building. Mohinder Singh tried to contact some influential politician in Amritsar for help in reaching senior police officials, but failed to do so. The next morning, as he was getting ready to go back to Amritsar again, Gurinderpal Singh of his village came to his house with a message from DSP Darshan Singh Mann that both Prem Singh and Gurmel Singh had been cremated at Amritsar and he was free to collect their ashes. Gurinderpal Singh also showed him a newspaper report that said that two militants, Prem Singh and Gurmel Singh, were killed when their accomplices attacked a police convoy that was taking them for the recovery of arms near a canal at village Boparai.

Mohinder Singh then went to Durgiana Mandir cremation ground and collected his son's ashes.

339. Under serial no. 266/34, the list identifies the cremation of Sukhdev Singh alias Sukha, s/o Amrik Singh, r/o Bhaholia, PS Ajnala, carried out by SHO Gernail Singh of Ajnala police station on 3 July 1991 under FIR no. 137/91. The post-mortem report number is not given. The cause of death is said to be "police encounter".

The committee has gathered the following information about this case through its incident report form no. CCDP/01258. The main informant is the victim's cousin Jaspal Singh.

Twenty-seven-year-old Sukhdev Singh, s/o Amrik Singh, was a resident of village Bohalian within post office Jastarwal in Ajnala sub-division of Amritsar district. He was a farmer, married with one daughter. His widow has since remarried, and his daughter is being raised by one of his sisters.

Sukhdev's parents had died when he was very young. He grew up with his elder brother and two sisters in an intensely religious atmosphere and became an Amritdhari Sikh at a very young age. In 1988, he was arrested on the basis of suspicion because of his religiosity and jailed for one year under TADA. The police harassment, in the form of frequent abductions and interrogation under torture, continued even after he came out of jail on bail.

According to Ajit Singh Gill, Sukhdev's cousin and our main informant in the case, Sukhdev was sleeping in the tube-well room of his farm on 2 July 1991 when the SHO of Ajnala police station arrested him following a raid. The SHO took Sukhdev

away for interrogation and then brought him back to his farm for a search. Later that night, the police killed him in an encounter staged in the outskirts of Teri Kalan village, near Guru Ka Bagh.

The family learnt about Sukhdev's death from the newspaper reports, and could not attend the cremation. His brother Harbhajan Singh has since shifted residence to village Jhanjoti in Amritsar district.

340 – 342: Under serial nos. 272/37, 273/38 and 274/39, the list identifies three cremations carried out by the SHO of Mehta police station on 15 July 1991 under FIR no. 105/91. They are of: [1] Narinder Singh alias Ninder, s/o Rattan Singh, r/o Bagh, PS Shri Govindpur; [2] Jagdish Singh alias Baboo, s/o Pyara Singh, r/o Ganshyampura; and [3] Baljit Singh alias Chotu, s/o Gurdit Singh, r/o Nangli under Mehta police station. There is no reference to the post-mortem reports and the cause of death is given as “police encounter”.

The committee has gathered the following information on these cases through its incident report form nos. CCDP/01340 and 01342. The main informants are Jagdish's maternal uncle Charan Singh and Baljit's father Veer Singh.

Sixteen-year-old Baljit Singh, s/o Gurditt Singh from village Nangali Kalan within post office Udo Nangal, under Mehta police station of Baba Bakala sub-division in Amritsar district, had given up school to train as a radio mechanic. He was the youngest of three sons in a family of baptized Sikhs and, according to his family members, was under the influence of the militant movement in Punjab. He used to regularly attend the religious functions organized to mark the killings of young people by the Punjab police and stay away from home for days together. But the family members did not have any clue about his activities and the police had never arrested him before.

Nineteen-year-old Jagdish Singh, s/o Piara Singh from Leel Kalan village under Qadian police station of Batala sub-division in Gurdaspur district, was Baljit's close friend. Jagdish's father had expired when he was seven and since then he, along with his brother and two sisters, had been living with his uncle Jathedar Charan Singh in village Nangali Kalan. That is how Baljit and Jagdish had become friends. Jagdish, a baptized Sikh, was also under the influence of the militant movement and had been arrested and charged under TADA. He remained in jail for one year. The police continued to hold him for interrogation after he came out of jail and Jagdish began to stay away from his uncle's house to avoid torture.

On 12 July 1991, Jagdish and Baljit were eating lunch at the house of Jathedar Charan Singh when Mehta police raided the house and took them away. The families did not know which police had taken them away, but when they went to Mehta police station to make inquiries, the SHO denied having any knowledge, and the families continued to look for them in vain at other police stations, including Qadian in Gurdaspur district.

On 16 July 1991, the Punjabi newspapers published a story about an encounter between the Mehta police and a group of militants when the police were apparently taking Baljit, Jagdish and one of their supposed accomplices Narinder Singh, s/o Ratan Singh, r/o Bham, near Harchowal under Shri Hargobindpur police station, in Gurdaspur district, for the recovery of weapons. All three militants in police custody

were reported to have been killed in the cross fire.

The families collected their ashes from the Durgiana Mandir cremation ground after its attendants identified the pyres on which the three boys had been cremated by Mehta police on 15 July 1991.

It is not clear why the CBI's list identifies Narinder Singh's village as Bagh. According to the family members of Baljit and Jagdish we spoke to, the police also abducted and killed Dilbagh Singh, s/o Pooran Singh, r/o Devidaspura under Jandiala Guru police station in Amritsar district.

343 – 344. Under serial nos. 280/40 and 281/41, the list identifies two cremations carried out by ASI Baljinder Singh of Beas police station on 24 July 1991. They are of: [1] Joginder Singh alias Mal, s/o Mangal Singh, r/o Sathiala; and [2] Sukhdev Singh alias Sukha alias Phaltoo, s/o Joginder Singh, r/o Sathiala. There are no FIR or post-mortem report numbers. The cause of death is given as “police encounter”.

The committee has gathered the following information about these cases through its incident report form nos. CCDP/01627 and 1628. The main informants are Joginder's mother Gurmeet Kaur and Sukhdev's father Joginder Singh.

Joginder Singh (22), son of Mangal Singh and Gurmeet Kaur, was an unmarried farmer from Sathiala village, Patti Hajipur, under Beas police station, in Baba Bakala sub-division of Amritsar district. Joginder had to give up school to work on his land because his father was serving as a soldier with BSF and his elder brother was with the army. As his younger brother was too young, Joginder took on the responsibility of managing the family farm.

In 1990, Joginder got involved with the Sikh militant movement aiming to establish a sovereign state of Khalistan. As the police found out and started raiding his house, Joginder started to stay away from home. Even as the police began coercing the family to produce him for an interrogation, they were unable to do so.

Sukhdev Singh (22), also of Sathiala village and the locality of Patti Gopi Ki, was the son of Joginder Singh and Sukhbir Kaur. He had given up school to become a farmer. He was married to Jasso and had a daughter named Joti who now lives with his mother. Jasso has since remarried.

Sukhdev developed links with militant organizations around 1990 and began to stay away from home when the police began their raids to arrest him.

Around 2 p.m. on 23 July 1991, the family members of the two boys heard that they had been killed just outside the village. They rushed to the site to find their bullet-ridden bodies of the two lying on the ground. Some CRPF personnel were standing nearby, but they denied having killed them. Soon, the Beas police reached the scene and took the bodies away and cremated them at Durgiana Mandir cremation ground after their post-mortem.

345. Under serial no. 284/42, the list identifies the cremation of Swaran Singh, s/o Dhian Singh, r/o Mandirawala, carried out by SHO Gopal Singh of Ramdas police station on 2 August 1991 under FIR no. 98/91. The list does not give the post-mortem report number and mentions the cause of death as “police encounter”.

The committee has gathered the following information about the case through

its incident report form no. CCDP/01261. The main informant is the victim's brother Nirpal Singh.

Forty-five-year-old Swaran Singh, s/o Dhian Singh, was a farmer from Mandranwale village under post office and police station Ramdas in Ajnala sub-division of Amritsar district. He was married to Deep Kaur and had two adult children.

The police suspected Swaran Singh's involvement in smuggling weapons across Pakistan to help the militant cause. They had arrested him once and, when the police continued to pick him up for interrogation even after his release from jail, Swaran Singh gave up living in his house. After he deserted home, the police began to harass his family members.

Swaran Singh was arrested from Jammu in the beginning of July 1991 and brought to Punjab. The family members have not been able to ascertain if his arrest in Jammu was formally acknowledged, or whether the Punjab police abducted him illegally from there. The family received the news of his arrest in the first week of July 1991, but could not find out which police was detaining him and where. On 1 August 1991, a person who had been in the illegal custody of Ramdas police came to inform them that Swaran Singh was also being held there, and the police had subjected him to terrible torture. They were still trying to find a way to meet the SHO of Ramdas police station when, on 3 August 1991, the newspapers in Punjab published a story stating that Swaran Singh, s/o Dhian Singh from Mandaranwale village and two of his unidentified accomplices had been killed in an encounter between a group of militants and the Punjab police near a drain on the Ramdas-Fatehgarh road.

It is not clear what happened to the bodies of the two unidentified militants killed along with Swaran Singh since the CBI's lists of partially identified and unidentified cremations do not show any other cremation performed by Ramdas police on 2 August 1991.

346 – 347. Under serial nos. 289/45, 290/46 and 291/47, the list identifies two cremations carried out by ASI Ranjit Singh of Lopoke police station on 4 August 1991, stated in FIR no. 123/91. They are of: [1] Santokh Singh, s/o Arjun Singh, r/o Kokarkalan, PS Lopoke; [2] Balwinder Singh, s/o Ajit Singh, r/o Kakarkaln. The cremation of Santokh Singh is listed twice Under serial nos. 289/45 and 290/46. The post-mortem reports are not mentioned. The cause of death is given as "police encounter".

The committee has acquired the following information through its incident report form nos. CCDP/01608 and 01609. The main informants are Romi and Mohan Singh, the brothers of the victims.

Twenty-eight-year-old Santokh Singh, son of Arjan Singh and Taro, was a *Mazhabi* Sikh laborer from village Kakkar Kalan, Patti Ratthan Di, under Lopoke police station, in Ajnala sub-division of Amritsar district. We know that Santokh was married and had children. However, it has not been possible to put together a complete picture of his background and family life because his entire immediate family seems to have perished under the shadow of his death in a supposed encounter on 4 August 1991.

Balwinder Singh (30), son of Ajit Singh and Balbir Kaur, was a baptized Sikh from the same village, Kakkar Kalan. Although the youngest of three brothers, Balwinder

did not go to school and, instead, worked with his brothers as a farmer. He was unmarried. According to his family members, Balwinder had never been involved in politics and had no criminal background.

Around 4 p.m. on 3 August 1991, the Lopoke police started a search operation of Kakkar Kalan village when Santokh Singh and Balwinder Singh were taking a walk in the fields. Seeing the police cordon off the village, they became nervous and tried to slip away. The policemen noticed their nervous movement and started to pursue them. Santokh and Balwinder now ran faster and the police opened fire, killing both of them on the spot. Hearing the gunshots, many people of the village came to the site and informed the police officials that both belonged to the same village and were not involved in any illegal activities. The police loaded both bodies in one of their vehicles and went away without informing their family members.

When the family, informed by residents of the village, reached the site of the incident, the police had already left the scene with the bodies. They went to Lopoke police station the next morning to claim the bodies, but the police officials, who claimed the incident was an encounter, refused to talk to them. The families could not even attend the cremations.

Santokh Singh's entire family seems to have perished under the shadow of this incident. His mother Taro expired after one year and his wife died from a heart attack immediately after the completion of her mother-in-law's last rites. Santokh's father Arjan Singh expired five years later.

348. Under the Serial no. 311/50, the list identifies the cremation of Gurinder Singh, s/o Major Singh, r/o Jagoke under Verowal police station, carried out by head constable Surjit Singh of Majitha police station on 6 October 1991 under FIR no. 144/91. The list does not give a post-mortem report number and mentions the cause of death as "police encounter".

The committee has gathered the following information about this case through its incident report form no. CCDP/01436. The main informant is the victim's father.

Gurinder Singh, s/o Major Singh from village Nagoke, Patti Daffar Ki, under Verowal police station in Tarn Taran sub-division of Amritsar district was a 17-year-old baptized Sikh boy who had finished his school and had joined a technical institute at Sarhalli Kalan to become a motor mechanic. His father, a retired military officer, was apprehensive of the influence that the underground Sikh militant movement in his part of Tarn Taran had on young people around this time. To keep his son away from it all, he sent him to live with his maternal aunt at village Malluwal near Amritsar.

Kathu Nangal police arrested Gurinder on 1 October 1991 evening. His uncle Gurdial Singh, the head of the village council, went to the police station the next morning and persuaded the SHO to release him. As he was leaving the police station, Gurinder realized that he had left his turban behind and went back to collect it. When Gurinder did not come out of the police station again, his uncle went back to the SHO who now said that the SSP had just instructed him to interrogate Gurinder. For the next several days, when Gurdial Singh went back to the police station, the SHO kept assuring him that his nephew would be released once the interrogation was complete. But he did not allow them to meet. Gurdial

suspected that his nephew had been removed from the police station.

On 7 October 1991, newspapers published a report about the killing of Gurinder Singh Nagoke in an encounter with the Majitha police. When the family members went to Majitha police station demanding to see the clothes Gurinder was wearing, the officers refused to do so. They also found out that no encounter had actually taken place within Majitha police district over the last few days. Gurinder's family members then went to Durgiana Mandir cremation ground and minutely examined the ashes of the pyre on which the Majitha police had supposedly carried out the cremation. The examination yielded a steel bracelet, which was too big for Gurinder's wrist. They also found two gold rings, which Gurinder had never worn.

Gurinder's family members suspect that the body cremated by the Majitha police at Durgiana Mandir cremation ground on 6 October 1991 did not belong to him. They believe that the police had killed someone else and had named Gurinder for some surreptitious reason. For several years, they continued to hope that Gurinder may be alive in illegal police custody and might turn up some day.

However, they have now given up all hope.

349. Under serial no. 316/51, the list identifies the cremation of Narinder Singh, s/o Mana Singh, r/o Jalalpura, carried out by ASI Simranjit Singh of Ajnala police on 10 October 1991. The list does not give the FIR and post-mortem report numbers and mentions the cause of death as "police encounter".

The committee has gathered the following information through its incident report form no. CCDP/01152. The main informant is the victim's brother Kulwant Singh.

Thirty-five-year-old Narinder Singh, a farmer, was from village Jalalpura, Nawan Khooh, Charhdi Patti under Majitha police station in Amritsar district. The CBI's list gives his father's name as Mana Singh. The actual name of his father is Ganga Singh. He had died when Narinder was very young.

Narinder was unmarried and under the influence of the militant movement for a sovereign Sikh state. When the police started raiding his house frequently, Narinder began to stay away from his home. The police then started harassing the family members, particularly his mother Mohinder Kaur, humiliating her in police custody and asking her to produce Narinder before the police.

On 7 October 1991, Narinder was visiting his cousin Harbhajan Singh in Jahnjoi village near Raja Sansi along with one of his friends Prabh Singh from Tarpai village. The police raided the house and arrested both of them. Harbhajan Singh informed their families immediately. Prabh Singh was released some days later, but the police killed Narinder in a staged encounter.

The police allowed Narinder's younger brother Kulwant Singh to attend the cremation and to collect the ashes for the last rites.

350. Under serial no. 322/52, the list identifies the cremation of Mangal Singh alias Manga, s/o Sohan Singh, r/o Arjun Bagha, on 29 October 1991 carried out by SHO Rattan Singh of Mehta police station under FIR no. 148/91. There is no post-mortem report number and the cause of death is given as "police encounter".

The committee has gathered the following information about this case through

its incident report form no. CCDP/01220. The main informant is the victim's brother Massa Singh.

Twenty-five-year-old Mangal Singh, s/o Sohan Singh and late Manjit Kaur, was a resident of village Arjan Maga under Mehta police station in Baba Bakala sub-division of Amritsar district. Unmarried, Mangal Singh used to help his father with the agricultural work. He was a baptized Sikh and known to be very religious. Solely because of his religiosity, the police used to suspect him of maintaining militant connections and had detained him illegally for questioning on a few occasions. But the police never formally arrested him.

In the morning on 29 October 1991, a police force led by DSP Balkar Singh and SHO Ratan Singh of Mehta police station conducted a combing operation in village Arjan Maga. The police force ordered all male residents of the village to assemble in the open area near the village gurdwara. DSP Balkar Singh and SHO Ratan Singh examined every person in the queue individually, and then asked Mangal Singh to step aside. They tied his hands to his back, pushed him into a police vehicle, and drove away with him. Around 9 a.m. that morning, several village elders went to Mehta police station to talk to the SHO, but they were not allowed to enter the police station. As the SHO had the reputation of being a corrupt officer who abducted young Sikhs and released them only after collecting money, the village elders thought of raising money for Mangal's release. They went back to the police station the same afternoon around 3 p.m. with money, but learnt that the police had already killed Mangal Singh in a staged encounter. The village elders saw a body, covered with a sheet of cloth, in the compound of the police station. But they were not allowed to go near the body or identify it. The police carried out the cremation the same day.

On 30 October 1991, all Punjabi newspapers reported the killing of a militant Mangal Singh in an encounter that had allegedly taken place near village Bhooa.

His father Sohan Singh has since lost his mental balance. His mother, Manjit Kaur, died in 1997 after a chronic illness onset by the killing of her son.

351. Under serial no. 332/55, the list identifies the cremation of Surta Singh, s/o Mulkh Singh, r/o Hardkalan, PS Ajnala, carried out by ASI Simrat Singh of Ajnala police station on 20 November 1991. No FIR and post-mortem report numbers are available. The cause of death is given as "police encounter".

The committee has gathered the following information about this case through its incident report form no. CCDP/01263. The main informant is the victim's mother Piar Kaur.

Thirty-year-old Surta Singh, s/o Late Malook Singh and Piar Kaur, r/o Harar Kalan village in Ajnala sub-division of Amritsar district, was a constable with the Punjab Home Guard, 3rd Battalion. In 1991, he was posted at Gagomahal police post under Ramdas police station. Surta Singh had no political or militant background and used to report for his duties regularly. He was unmarried.

On 14 November 1991, Surta Singh came home on leave after a minor quarrel with an assistant sub-inspector in-charge of his police post. After pacifying his anger, the family members sent Surta Singh back on duty on November 16. They were taken aback when they learnt about his arrest the next morning. Immediately, Surta Singh's mother Piar Kaur went to the police post to find out the reasons for his arrest, but she

was not allowed to meet him. The next day, at the police post, she was told that her son Surta Singh had been taken to Ramdas police station. When Piar Kaur, accompanied by her elder son Deewan Singh, reached Ramdas, she was told that her son had been sent off to Ajnala police station.

For four days, Piar Kaur and her elder son did the rounds of various police stations, but failed to meet Surta Singh. They also failed to get a hold of any responsible officer who could explain why Surta Singh had been detained.

On 21 November 1991, several Punjabi newspapers published a story about the killing of Surta Singh in an encounter near Pakho Khurd village when the police were taking him to recover hidden weapons. According to the story, a gang of militants tried to rescue Surta Singh before he was killed in the cross-fire.

The police cremated his body at Durgiana Mandir cremation ground, and Piar Kaur, for lack of information, could not even collect the ashes. Subsequently, Piar Kaur addressed petitions to the chief justice of the Punjab and Haryana High Court, the chief minister of Punjab, IG, Punjab Home Guards, SSP of Majitha police district and the deputy commissioner of Amritsar imploring them to institute an independent inquiry into the circumstances in which her son had been killed. No action followed her requests.

352. Under serial no. 344/57, the list identifies the cremation of Paramjit Singh alias Kala, s/o Hazara Singh, r/o Cheema, Swajpur, carried out on 23 December 1991 by the SHO of Ram Das police station under FIR no. 145/91. There is no post-mortem report number and the cause of death is given as “police encounter”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01303. Paramjit Singh's cousin Bachan Singh Chowkidar is the main informant.

Paramjit Singh (22), s/o Hazara Singh from village Harsha Chheena, Sawajpur, under Raja Sansi police station in Ajnala sub-division of Amritsar district, was an unmarried *Mazhabi* Sikh who used to earn his livelihood as a construction laborer. He was the youngest of three brothers and one sister. One of his brothers died in a car accident and his other two brothers live in Amritsar city.

Ramdas police arrested Paramjit on 22 December 1991 from the house of his uncle Sohan Singh at Ramdas. He was declared killed in an encounter staged the same night.

The family learnt about his death through newspaper reports. The police never informed them about his cremation.

353. Under serial no. 349/59, the list identifies the cremation of Balkar Singh, son of Surinder Singh, r/o Jhabbal, carried out by ASI Ranjit Singh of Jandiala police station on 17 January 1992 under FIR no. 7/92. The post-mortem report is not given and the cause of death is described as “encounter”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01618. The main informant is the victim's widow Randhir Kaur.

Thirty-year-old Balkar Singh, son of Mohinder Singh and Balwant Kaur, was a

resident of Jabbowal village under Khalchian police station in Baba Bakala sub-division of Amritsar district. He was married to Randhir Kaur and had a daughter Rajbir Kaur and a son Manjit Singh who are now 15 and 13, respectively.

Until December 1984, the family used to live in Bokaro in Bihar where Balkar's father Mohinder Singh was a foreman at the Tata Steel Company. Mohinder Singh was killed in the organized violence against the Sikhs that occurred in the immediate aftermath of Prime Minister Indira Gandhi's assassination on 31 October 1984. Balkar Singh, a young baptized Sikh, was already traumatized by the June 1984 Army's assault on the Golden Temple and its destruction. His father's killing in November 1984 alienated him completely from the Indian political establishment and, back in Punjab, he began to take interest in the political and the militant movement on rise in that state. Soon, the police raids commenced and the police tortured Balkar under interrogation. Balkar kept away from his house for sometime to avoid torture and then, in 1986, he surrendered himself to the police for an interrogation in the presence of several prominent Akali leaders of the region. The police interrogated him and released him unconditionally. He got married to Randhir Kaur in 1986.

The police harassment of regular raids, illegal arrest and torture under interrogation did not cease. Balkar was not charged formally, but constantly tormented. Until 1989, he tried to cope with the situation by involving the village council to save himself, until 1989. Finally, fed up, he left his home to join the militancy. The police began to pick up his family members, his mother and uncles, to question and torture them. To escape these abuses, they also shifted their residence to Amritsar city.

In August 1991, Balkar went away to Jamshedpur, in Bihar, where he had some contacts from his earlier days in the state. He managed to find employment as a truck driver and began to live there with his wife and children. By a coincidence, the Jamshedpur police arrested a Punjab militant Gurdarshan Singh alias Baghel Singh, son of Bahadar Singh, originally from Deriwal village, who had around this time taken temporary shelter in the city. The arrest and the interrogation of Gurdarshan Singh and his sympathizers in the city revealed information about Balkar's presence and the police began to search for him. The family found out and produced Balkar Singh for an interrogation before Jamshedpur's SP. Balkar was eventually charged with several offences under the TADA and sent to jail.

In January 1992, the Jandiala police from Punjab, led by SHO Ranjit Singh and ASI Narinder Singh, obtained permission from the chief judicial magistrate's court in Jamshedpur to take Balkar Singh on an investigative remand back to Amritsar. He was taken to Chandigarh on an Indian Airlines flight from Patna and then to Amritsar. The family members came to know about the transfer and their attempts to meet him at the Jandiala Guru police station went in vain.

In the evening of 17 January 1992, the local channel of the government-controlled Doordarshan program on television carried a report about the killing of Balkar Singh in an alleged police encounter. The Punjabi newspaper *Ajit* published a more detailed report on 18 January 1992 claiming that Balkar was killed when his militant associates tried to rescue him by attacking the police convoy that had gone with him to Malluwal village to recover his weapons.

The police carried out the cremation without informing the family members.

In 1997, Randhir Kaur, Balkar's widow, submitted an application to the CBI's office at Amritsar after the Supreme Court ordered the Bureau to investigate the allegations of illegal cremations. According to her, the CBI officials visited her house a few times thereafter to record her statements. However, she does not know if these inquiries resulted in any action.

According to Randhir Kaur, the police also killed her brother Darbara Singh, son of Dalip Singh, from village Waring Suba Singh, in 1990.

354. Under serial no. 350/60, the list identifies the cremation of Gurjit Singh alias Pumana Singh, s/o Bhajan Singh, r/o Chajjalwadi, Jandiala, carried out by the SHO of Kathunangal police station on 20 January 1992 under FIR no. 9/92. There is no post-mortem report and the cause of death is given as "bullet injuries".

The committee has gathered the following information about this case through its incident report form no. CCDP/01112. The main informant is his brother Pargat Singh.

Nineteen-year-old Gurjeet Singh alias Phuman, son of Harbhajan Singh and Sukhwant Kaur, was a resident of village Chhajalvaddi, Charhdi Patti, under Jandiala police station, in Baba Bakala sub-division of Amritsar district. After his matriculation, Gurjeet obtained a diploma as a mechanic of diesel engines from a technical institute at Baba Bakala. However, he could not get a decent job, and started helping his father and brothers with the agricultural work. Gurjeet, like other members of his family, was a baptized Sikh and religiously devout. He had no links with any political or militant association. The police never interrogated or arrested him throughout the period of violent unrest in Punjab.

The family of a known militant Surjit Singh Painta used to live in the same village and Gurjeet was on friendly terms with his brother Rajinder Singh, who was later killed in Delhi. It was a normal friendship and had no political overtones. However, this innocuous friendship between the two seems to have instigated the police action in January 1992 that cost him his life.

In the second week of January 1992, Gurjeet was visiting his aunt at village Chugawan Roopowali near Kathu Nangal police station. On 19 January 1992, SHO Dharam Singh of Kathu Nangal police station led a police raid of his aunt's house in Chugawan Roopowali and took Gurjeet, his uncle Hazara Singh and his cousin Balraj Singh to Kathu Nangal police station. The police separated Gurjeet from the others and tortured him. Hazara Singh and Balraj heard him screaming, but could not do anything to help. The same night, SHO Dharam Singh took Gurjeet out of the police station in a vehicle and declared him killed in an "encounter" that he staged on the bank of a canal near Kathu Nangal. The police released Hazara Singh and Balraj two days later.

On 20 January 1992, Gurjeet's father Harbhajan Singh, along with several elders of his village, went to Kathu Nangal police station to get his son released from illegal custody. But he found out that the police had already killed him in a fake



Gurjit Singh

encounter and had taken his body for cremation to Seetla Mandir cremation ground at Amritsar. The family members attended the cremation carried out by the SHO of Kathu Nangal police.

355. Under serial no. 353/61, the list identifies the cremation of Satnam Singh alias Bittu, s/o Santokh Singh, r/o Veerpal, Jandiala, carried out by the SHO of Beas police station on 19 February 1992. The cause of death is mentioned as “bullet injuries”. There are no FIR or post-mortem report numbers.

The committee has gathered the following information about this case through its incident report form no. CCDP/01160. The main informant is his mother Swaran Kaur.

Eighteen-year-old Satnam Singh alias Billa, son of Santokh Singh and Swaran Kaur, was a resident of Varpal village, Dheer De ki Patti, under Jandiala Guru police station, in Amritsar district. A baptized Sikh, Satnam had appeared for his matriculation examination in 1991. He had no political or militant background and the police had never arrested him before. His village was considered to be the hotbed of militancy. In the wake of the assembly elections in early 1992, which were boycotted by Sikh political organizations, the police, supported by the army, used to carry out random raid and search operations, indiscriminately detaining religiously-minded young Sikhs for interrogation. To avoid any harassment, Satnam had begun to live with his sister Lakhbir Kaur, w/o Aroor Singh, at village Lidhar under Beas police station.

The polling for the assembly was held on 18 February 1992. Satnam went around the village of his sister exhorting people not to boycott the elections that day to express their lack of faith in the Indian system of democracy. That evening around 7 p.m. after the polling booths closed, a police force led by the SHO of Beas police station, surrounded his sister's house. Satnam was caught, dragged outside the house, and shot dead in front of many witnesses, including his sister and brother-in-law. The police carried away his body.

Twenty-four days after killing Satnam Singh, on 13 March 1992, Jandiala Guru police arrested his older brother Manjit Singh and killed him along with another resident of the village in a fake encounter. The details follow in the discussion of the two cremations identified by the CBI Under serial nos. 364/65 and 365/66.

356 – 357: Under serial nos. 360/63 and 361/64, the list identifies two cremations carried out by the Jandiala police on 9 March 1992 under FIR no. 35/92. The post-mortem reports are marked as GM/656/92 and GM/67/92 and the cause of death is mentioned as “police encounter”. The two cremations are of: [1] Devinder Singh alias Commando, s/o Phoola Singh, r/o Sultanwind; and [2] Iqbal Singh, s/o Gurdial Singh, r/o Dianpur.

The committee has acquired the following information about these cases through its incident report form no. CCDP/01338. The main informant is the Iqbal Singh's brother Sukhraj Singh Laadi.

Twenty-year-old Iqbal Singh alias Bala, son of late Gurdial Singh and Gursharan Kaur, was a resident of village Dhianpur within Wadala Kalan post office in Baba

Bakala sub-division of Amritsar district. Iqbal's father Gurdial was originally from Shahkot village in Jalandhar district. In 1982, he bought agricultural land in Dhianpur and had begun to live there with his two sons, Sukhraj Singh and Iqbal Singh, who helped him cultivate the land. His family members were baptized Sikhs and his son Iqbal sympathized with the ideal of an independent Sikh state. However, Iqbal was not involved in any political or the militant movement in any manner. The police had never arrested him. Though young, Iqbal had married Kulwinder Kaur, but they had no children. Kulwinder Kaur has since remarried.

In March 1992, Iqbal was living with his parents at their ancestral village of Shahkot in Jalandhar district and his brother Sukhraj was looking after their agricultural farm at Dhianpur. On 7 March 1992, Iqbal went to Dhianpur to help his brother with some work and then left for Shahkot the same evening. He never reached Shahkot. On 8 March 1992, Jandiala Guru police claimed to have killed him in an encounter along with Devinder Singh, s/o Phoola Singh, a resident of Sultanwind in Amritsar and supposedly his militant accomplice. The family learnt about his killing from a report in newspapers on 10 March 1992.

The family members believe that the story of the encounter must be false and concocted. They claim that Iqbal was not involved with any militant activities.

358 - 359: Under serial nos. 364/65 and 365/66, the list identifies two cremations carried out by a sub-inspector of Jandiala police on 14 March 1992 under FIR no. 37/92. The cremations are of [1] Sucha Singh, s/o Labh Singh, r/o Veerpal; and [2] Manjit Singh, s/o Santokh Singh, r/o Veerpal, brother of Satnam Singh whose cremation is listed Under serial no. 353/61 and which we examined as our case No. 354. The list mentions the cause of death to be "bullet injuries" and gives no other details.

The committee has gathered the following information through its incident report form nos. CCDP/00802 and 01161. The main informants are Sucha Singh's mother Jasbir Kaur and Manjit Singh's widow Daljit Kaur.

Twenty-seven-year-old Manjit Singh, son of Santokh Singh and Swaran Kaur, was a resident of Varpal village, Dheer De Ki Patti, under Jandiala Guru police station, in Amritsar. Satnam Singh, whose case we have examined above, was Manjit's younger brother. Manjit was also a baptized Sikh and felt agonized by thoughts of atrocities the Sikhs of Punjab had suffered over the last decade. But he was not politically active in any way. Manjit was married to Daljit Kaur with two sons and a daughter. The eldest daughter, Gurpreet Kaur, is now 15.

Years ago Manjit had started a dairy farm which was not a success. Then in 1982, he went to Libya to find work and came back in 1986 to get married. Soon after his marriage, Manjit got caught in an incident of cross firing between the police and a group of militants, and was seriously injured. He recovered after several months of hospitalization. His treatment exhausted all his savings, and he opened a fodder stall in his village.

Everything went well until 18 February 1992 when his younger brother Satnam was caught and killed at his sister's house at village Lidhar.

On 13 March 1992, the Varpal village organized a funeral feast to mark the conclusion of the death rites for his younger brother. After completing the function, Manjit

returned to his fodder stall in the village. He was accompanied by Sucha Singh, s/o Pal Singh from the same village.

Twenty-five-year-old Sucha Singh, son of Pal Singh and Jasbir Kaur from Varpal village, was an unmarried agricultural worker. When Manjit and Sucha Singh reached the fodder stall, a group of policemen in plain clothes pounced on them, dragged them into a police vehicle and drove away. The next morning, a group of village elders accompanied by hundreds of other residents of the village went to Jandiala Guru police station to ask for Manjit Singh and Sucha Singh. SHO Amar Singh told them that both of them had been killed in an “encounter” and had already been cremated. The villagers then went to the Durgiana Mandir cremation ground where they saw the pyres burning. The next day, they went back to collect their ashes.

360. Under serial no. 370/67, the list identifies the cremation of Gurdip Singh alias Gupta, s/o Swaran Singh, r/o Nangli, PS Mehta, carried out by the SHO of Beas police station on 25 March 1992 under FIR no. 37/92. There is no post-mortem report number. The cause of death is mentioned as “bullet injuries”.

Through its incident report form no. CCDP/01341, The committee has acquired the following information about this case. The main informant in this case is the victim’s father Swaran Singh.

Nineteen-year-old Gurdeep Singh, son of Swaran Singh and late Surjit Kaur, was a resident of Nangali Kalan, post office Udo Nangal, under Mehta police station, in Baba Bakala sub-division of Amritsar district. Politically, his family supported the Akali Dal, but had no extremist associations. Gurdeep had never been arrested or interrogated.

Gurdeep’s father Swaran Singh became very depressed after his mother Surjit Kaur expired in 1986. As the eldest son, Gurdeep completed his school education and then started working with his father on the agricultural farm.

Around 4 a.m. on 20 March 1992, a police force led by an officer who refused to identify himself raided Swaran Singh’s house and asked for Gurdeep who had just woken up. Swaran Singh pointed Gurdeep out and asked the policemen to explain the purpose of their visit. But they pounced on Gurdeep, dragged him out of the house and, pushing him into a vehicle, drove away. They did not even disclose their destination.

Swaran Singh rushed to Mehta police station, which had jurisdiction over the village, thinking that the police there may have arrested him on some suspicion. When the Mehta police denied all knowledge, Swaran Singh went to other police stations and tried looking out for his son the next two days. He also approached political leaders in his area, but they expressed their inability to help in the situation of insuperable repression built up by the newly elected government of Punjab.

On March 22, Swaran Singh along with several village elders met DSP Darshan Singh Mann of Baba Bakala who promised to find out and advised them to come back after three days. When they met him again on 25 March 1992, DSP Mann told them that the police had killed Gurdeep in an “encounter” near village Dhianpur and had cremated him at Durgiana Mandir cremation ground. As a gesture of goodwill, DSP Mann gave Swaran Singh a slip of paper which would allow him to collect his son’s ashes. On March 26, Swaran Singh went to the cremation ground and collected

the ashes, the last remains of his son's body.

DSP Mann had also advised Swaran Singh not to complain or initiate any legal action if he cared for his own life and the life of his second son. Swaran Singh heeded his advice and did not pursue the matter.

361. Under serial no. 371/68, the list identifies the cremation of Malkait Singh, s/o Gulzar Singh, r/o Ranakala, Jandiala, carried out by ASI Ranjit Singh of Jandiala police station on 27 March 1992 under FIR no. 42/92. The post-mortem report number is not marked. The cause of death is given as “bullet injuries”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01129. The main informant is the victim's mother Darshan Kaur.

Malkeet Singh alias Meeta, son of Gulzar Singh and Darshan Kaur, was a 20-year-old college student from Rana Kala village, post office Jabbowal, under Jandiala Guru police station in Amritsar district.

In 1991, after passing his higher secondary school examination, Malkeet joined a college at Jandiala Guru and used to commute daily from his village to his college on a scooter. According to Darshan Kaur, the family members were not aware if he maintained links with any political association. Malkeet used to return home every day between 5 and 6 p.m. after attending extra tuitions.

On 24 March 1992, Malkeet went to his college but did not return home in the evening. That evening around 7 p.m. a group of officers from Jandiala police station came to his house and asked for his father Gulzar Singh who was away in Amritsar city. When Darshan Kaur asked them to explain the reason for their visit, the police officers became abusive. They confiscated Gulzar Singh's tractor, parked outside the house, and drove away with it after instructing Darshan Kaur to ask her husband to report to the police station next morning. After their departure, some residents of the village informed Darshan Kaur that her son had been arrested at a police checkpoint while he was returning home earlier that evening.

The next morning, Gulzar Singh went to Jandiala Guru police station and found out that his son Malkeet had been transferred to Mall Mandi interrogation center. Gulzar Singh was fearful that he also might get arrested, but he was not bothered. Gulzar Singh then went to Mall Mandi interrogation center, but he failed to obtain any information about his son.

On the 27 and 28 March 1992, several Punjabi newspapers reported the killing of Malkeet Singh in an encounter that allegedly took place when a group of militants tried to rescue him soon after his arrest.

The police carried out the cremation without informing the family members. Gulzar Singh's tractor, confiscated by the Jandiala Guru police from his house on the evening of 24 March 1992, was returned to him a week later along with the scooter that Malkeet Singh had been riding when he was arrested.

According to Darshan Kaur, her husband Gulzar Singh was unable to reconcile



Malkeet Singh

himself with his son's disappearance and his killing in a fake encounter. He began to drink heavily to drown his sorrow, always weeping in front of Malkeet's photograph, and died prematurely in 1998.

362. Under serial no. 372/69, the list identifies the cremation of Gurmukh Singh alias Gorkhi, s/o Beer Singh, r/o Jani-ki-Patti, Mehta, carried out by the SHO of Kathunangal police station on 2 April 1992 under FIR no. 24/92. The cause of death is mentioned to be "bullet injuries". There is no number for a post-mortem report.

Through its incident report form no. CCDP/01343, The committee has acquired the following information. The main informant in this case is the victim's father Veer Singh.

Twenty-two-year-old Gurmukh Singh, son of Veer Singh and Gurdeep Kaur, from Mehta village, Patti Jaani Ki, within Baba Bakala sub-division of Amritsar district was an alumnus of the Dam Dami Taksal, the center of orthodox religious learning, once headed by Jarnail Singh Bhindranwale. Gurmukh had qualified as a *paathi*, scripture-reader, and used to travel around the countryside for missionary work. He was considered close to Bhindranwale, but he did not take part in the armed resistance to the army's assault on the Golden Temple in June 1984 in which Bhindranwale and hundreds of others were killed.



Gurmukh Singh

After June 1984, Gurmukh was marked as a suspect and the police used to raid his house and detain his family members to compel him to surrender. The police arrested Gurmukh Singh in 1985 from the house of his maternal grandparents at village Bhamri in Gurdaspur and charged him with a case under the Arms Act. The trial court released him on bail after some months. But the police continued to torment him, picking him up at the jail gates just as he was released, detaining him illegally for weeks, torturing him and again booking him under a new charge. Towards the end of 1991, Gurmukh Singh managed to slip away and went into hiding.

In March 1992, Gurmukh Singh was preaching in village Gagrewal in Tarn Taran sub-division of Amritsar district. A group of police officers presumably from Kapurthala district arrested him at that village and took him to Kapurthala's Sadar police station. His father Veer Singh, who received the information about the arrest the next day, traveled to Kapurthala along with a group of village elders and met his son in the custody of Kapurthala Sadar police station. The SHO told him that he had already intimated the Mehta police about Gurmukh Singh's arrest and pleaded his inability to release him without their approval. Veer Singh and his companions went back to Mehta and met the SHO of the police station there who said that they wanted Gurmukh Singh for an investigation, but they would release him after his interrogation.

Mehta police brought Gurmukh Singh back from Kapurthala, but transferred him to Mall Mandi interrogation center at Amritsar. Veer Singh persuaded an Akali leader of his area, Manmohan Singh Sathiala, who later became an MLA, to intervene on

his behalf. But Sathiala's efforts did not bear any fruits. On 3 March 1992, Veer Singh read newspaper reports about the alleged killing of his son in an encounter. According to the newspaper reports, the police were taking him for the recovery of weapons when a group of militants near village Vegewal under Kathu Nangal police station attacked the convoy hoping to rescue him. Gurmukh Singh was killed in the exchange of fire.

Veer Singh went to the Durgiana Mandir cremation ground, and collected the ashes from a heap which the attendants said was from his son's pyre.

Gurmukh's elder brother Sarwan Singh was deeply affected by this episode. He started taking drugs and died four years later.

363 – 365. Under serial nos. 375/70, 376/71 and 377/72, the list identifies three cremations carried out by a sub-inspector of Ramdas police station on 5 April 1992 under FIR no. 30/92. They are of: [1] Trilochan Singh, s/o Joginder Singh, r/o Kujawal, Ram Das; [2] Prithipal Singh, s/o Sadhu Singh, r/o Bhur-e-Gill, Ramdas, and [3] Sukhwinder Singh alias Bittu, s/o Kewal Singh, r/o Chogama, Lopoke. Post-mortem reports are not mentioned. The cause of death is given as "bullet injuries".

The committee has acquired the following information about these cases through its incident report form nos. CCDP/01606, 01614 and 01607. The main informants are Harbans Kaur and Manjinder Kaur, mothers of Prithipal and Sukhwinder, respectively, and Tarlochan Singh's father Joginder Singh.

Twenty-one-year-old Tarlochan Singh, son of Joginder Singh and Swaran Kaur, was a resident of village Doojowal, under Ramdas police station, in Ajnala sub-division of Amritsar district. He had a large family with two elder brothers, two younger brothers and two unmarried sisters. Tarlochan completed his matriculation, and then managed to find employment with Markfed. He was first posted at Raiyya and then transferred to Majitha. Meanwhile, Tarlochan married Baljit Kaur and had a son Panthpreet Singh, who is now about 10.

Tarlochan Singh was not involved in any militant activities, but two of his cousins, Bhupinder Singh and Bitt of Dalam village, were part of some militant organization and were eventually captured and killed. They were the sons of Surjit Singh, Tarlochan's maternal uncle.

Prithipal Singh, son of Sadhu Singh and Harbans Kaur, was a 19-year-old higher secondary school student from village Bhoore Gill, post office Chamiani, under Ramdas police station, Ajnala sub-division of Amritsar district. His father Sadhu Singh was a small farmer with five sons, and Prithipal was the youngest of them. His elder brother Santokh Singh was a JCO with the BSF, but he died suddenly in 1993.

In 1980, the Ajnala police had arrested Prithipal and, after his interrogation under torture, implicated him a case under TADA. The court acquitted him of the TADA charges after one year, as there was no evidence to prove the charges. Prithipal came out of jail and tried to resume his studies. But the police started raiding his house again and torturing him in illegal custody. Once he was tortured so brutally at the Chamiani army camp that his condition became critical and he had to be hospitalized for a long time. Prithipal was finally fed up and he left his house in December 1992. The police then started tormenting his family members.



Sukhwinder Singh

Twenty-two-year-old Sukhwinder Singh, son of Kabal Singh and Manjinder Kaur, was a bus conductor from village Chaugawan, Ajnala road, under Ajnala police station, in Amritsar district. He was the eldest of four brothers and a sister and their father had expired when they were still very young. Soon, Sukhwinder had to assume the responsibility of running the family and he gave up his school in 1989 to join Majha Transport Company as a bus conductor. The entire family was dependent on his salary. Sukhwinder was a conscientious worker and also responsible to the family. Unless assigned to go on a long route, he came back home every night. Sukhwinder was unmarried.

Once in 1991, the Lopoke police had arrested him on the basis of some suspicion. But the village council members intervened and the police released him after ten days of illegal custody and torture.

In the morning of 3 April 1992, Sukhwinder Singh, as usual, left for his work. In the evening, the driver of the bus that he was conducting came to Manjinder Kaur's house and informed her that her son, along with Prithipal Singh, had been arrested at a police checkpost set up by Ajnala police near Gurdwara Guru Ka Bagh.

The next day, Manjinder Kaur tried to assemble some people to approach the police but could not succeed, as people were very scared of the lawlessness of the police. The next morning, some residents of the village found out from Lopoke police station that Sukhwinder and two others had been killed in an "encounter" with Ramdas police. Several newspapers published reports about the "encounter" that had supposedly taken place near village Kuralian, when a group of militants tried to rescue their three associates who were being taken by Ramdas police for the recovery of weapons. The newspapers also published photographs of the bodies.

Manjinder Kaur could not attend her son's cremation because it had already been performed by the police. But an attendant at the Durgiana Mandir cremation ground helped her collect his ashes. Sukhwinder was the only earning member of the family and the difficulties of eking out her existence and bringing up four young children did not allow her to pursue the case for justice in any manner.

The real evidence that all three persons had been captured and killed in a fake encounter came from the case of Tarlochan Singh who was arrested from his house early morning on 4 April 1992. Tarlochan, along with his parents and his brothers, was still sleeping when the Ramdas police raided his house and abducted him. Later that morning, family members and several village elders met SHO Gopal Singh of Ramdas police station who told them that the DSP was directly handling the case and hence, he could not be of any help. The family members then tried to find an influential politician who could help, but failed to organize anything in time.

366. Under serial no. 378/73, the list identifies the cremation of Balwinder Singh alias Binda, s/o Ajit Singh, r/o Nangli Nashera, carried out by ASI Mohinderpal Singh of Majitha police station on 8 April 1992 under FIR no. 27/92. There is no post-mortem report number. The cause of death is mentioned as "bullet injuries".

The committee has gathered the following information about this case through its incident report form no. CCDDP/01167. The main informant is the victim's wife Darshan Kaur.

Thirty-four-year-old Balwinder Singh, son of late Ajit Singh and Gurmej Kaur, was from village Nangali Naushehra, MachineWale, under Sadar police station, of Amritsar. He was a farmer and married to Darshan Kaur with two sons. The eldest son is now 18.

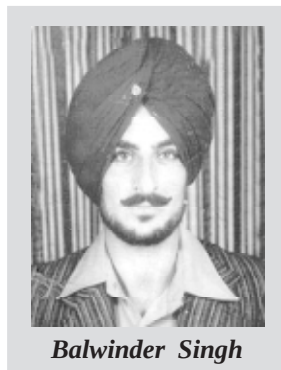
According to Darshan Kaur, Balwinder did not have any political or militant connections, but the police suspected him associating himself with people involved in robberies in the region. In 1988, the police arrested him and, after keeping him in illegal custody under torture for some days, charged him with various criminal offences. Eight months later, the court allowed him out on bail. On 10 April 1989, soon after Balwinder came out of jail, Balwinder's father Ajit Singh was killed at his house by three militants who had been pestering him for shelter, food and money. Amritsar's Sadar police station registered a case in this connection under FIR no. 165/89 and the state government sanctioned some financial help to his mother Gurmej Kaur. Balwinder himself was recruited as a special police officer (SPO) and posted first at Sadar police station at Amritsar and then at Gharinda police station. Four months after his recruitment as a SPO, Balwinder was dismissed from the service abruptly, without receiving an opportunity to defend himself.

Early morning on 22 March 1992, a group of officers from Majitha police station raided his house, took Balwinder Singh into custody and started to drive away with him. When Balwinder's wife Darshan Kaur started crying, the SHO said that she should not worry as her husband was wanted for interrogation in a minor matter and would come back soon.

Later that day, Darshan Kaur went to Majitha police station where she met her husband Balwinder Singh. She was relieved to find that he had not been badly tortured. For the next several days, Darshan continued to visit her husband at Mehta police station and even brought him food and a change of clothes. On the sixth day, the SHO did not allow her to meet Balwinder but asked her to come back the following day with her village elders.

The next day, Darshan Kaur and a group of eminent persons from the village went to the police station and met the SHO who told them that Balwinder had been transferred to Amritsar for further interrogation on instructions from SSP Paramjit Singh Gill and that they should approach him for Balwinder's release. For the next several days, Darshan and her family members tried to meet the SSP without success. They also went to various police stations in the city to locate him, but in vain.

On 9 April 1992, several Punjabi newspapers, including *Ajit*, reported a statement issued by SSP Paramjit Singh Gill claiming that Balwinder Singh was killed in an encounter that ensued when his accomplices attacked the police vehicle in which he was being taken for the recovery of weapons. The SSP of Majitha told the press that the police had arrested Balwinder Singh Binda and Hardeep Singh Dodhi from Ballan village because of their role in many robberies. The press reports did not explain what happened to Hardeep Singh Dodhi. The CBI's list of unidentified cremations



does not show a second cremation carried out by Majitha police on 8 April 1992.

Darshan Kaur doubted the report about Balwinder Singh's death and met the SSP in his office along with her mother-in-law. The SSP refused to listen to them and asked them to leave. Darshan Kaur could not do anything further in the matter.

Darshan Kaur now earns her livelihood by selling milk. She had to withdraw her older son Harpreet Singh, now 18, from school since she needed help to rear and graze her three buffaloes. Her younger son Gurpreet Singh attends school.

367. Under serial no. 388/77, the list identifies the cremation of Kewal Singh, s/o Hazara Singh, r/o Dilwan, Dera Baba Nanak, carried out by the SHO of Mehta police station under on 23 April 1992 FIR no. 39/92. The post-mortem report is not mentioned and the cause of death is given to be "bullet injuries".

The committee has gathered the following information about this case through its Incident-Form No. CCDP/01703. The main informant is the victim's father Hazara Singh.

Twenty-five-year-old Kewal Singh, son of Hazara Singh and Kans Kaur, was a resident of Dhilwan village, post office Kotli Soorat Malli, in Dera Baba Nanak subdivision of Gurdaspur district. The youngest of six children, Kewal Singh gave up his studies after completing his matriculation and started working at his family farm along with his brothers. His father Hazara Singh (80), a poor farmer, could not do much work. A baptized Sikh, Kewal was unmarried. He had no record of criminal or militant associations and had never been arrested or interrogated.

Around 21 April 1992, Kewal Singh along with his friend Harbhej Singh from the neighboring village of Nawan Pind went on a pilgrimage to the gurdwara at Kathu Nangal. The Kathu Nangal police took both of them into custody. The police nabbed them while they were bathing in the pond of the gurdwara. The family members did not come to know about the arrest until they read a report in the Punjabi newspapers published on 24 April 1992 stating that three militants were killed in an encounter with the Mehta police, led by the SHO, near village Doburji. The report named the dead militants as Kewal Singh, resident of Dhiwan, Harjit Singh of Nawan Pind and Balkar Singh of Kot Majlis village. The report said that their fourth companion Harnek Singh of Datepur village managed to escape.

The police carried out the cremations without informing Kewal Singh's family members. Hazara Singh, accompanied by some village elders, went to the gurdwara at Kathu Nangal where eye-witnesses to the arrests confirmed that they had been taken into custody while bathing in the pond of the gurdwara.

It is not clear what happened to the bodies of the other two persons reported killed in the same encounter at village Doburji since the CBI's list shows only Kewal Singh's cremation. There are no corresponding entries, either, in the other two lists of cremations prepared by the CBI.

368. Under serial no. 392/78, the list identifies the cremation of Angrez Singh, s/o Charan Singh, r/o Jalalabad, carried out by the Beas police on 27 April 1992 under FIR no. 53/92. There is no post-mortem report number and the cause of death is mentioned as "police encounter".

The committee has gathered the following information about this case through

its incident report form no. CCDP/01330. The victim's mother is the main informant.

Twenty-one-year-old Angrez Singh was the youngest in a family of baptized, devout Sikhs comprising father Channan Singh, wrongly mentioned as Charan Singh in the CBI's list, mother Harbhajan Kaur and four brothers and sisters. They lived in village Jalal Usman under Mehta police station in Baba Bakala sub-division of Amritsar district. Angrez Singh gave up school to engage in farming, along with his father and brothers and, according to his family members, was not involved in any illegal activities. However in 1991, the Mehta police arrested him on the suspicion of possessing a revolver; however, they did not recover any weapons from him. The police tortured him nevertheless, also implicating him in a case under the Arms Act. Angrez Singh was released from jail after seven months.

Late evening on 20 April 1992, exactly one month after his release from jail, a group of police officers who did not identify themselves, arrested Angrez Singh from his house in the presence of all of his family members. They neither disclosed the charge against him or the police station they had come from, nor where they were taking him.

The next morning, the family members, accompanied by eminent persons of the village, went to Mehta police station. The Mehta police denied any knowledge of Angrez Singh's arrest. For the next three days, the family continued to look for him at different police stations. Finding out that Angrez Singh was indeed in the custody of Mehta police, they met DSP Darshan Singh Mann at Baba Bakala who said that their boy was under interrogation at Beas police station and, if they came back to him after two days, he would try to help. This was on April 25. On April 27, the family went back to meet him. The DSP now said that the police had killed Angrez Singh in an "encounter" the previous night and that he would allow them to collect his ashes from Seetla Mandir cremation ground.

The police terror was at its peak in those days and there was nothing the family could do to question the cold-blooded murder committed premeditatedly.

The partially identified list duplicates the record of Angrez Singh's cremation Under serial no. 391/56. Although his name is incorrectly recorded as Amrik Singh, his father's name is recorded as Charan Singh. He was cremated the same date under the same FIR no.

369. Under serial no. 393/79, the list identifies the cremation of Dilbagh Singh, s/o Menga Singh, r/o Pheruman, Beas, carried out by SHO Basan Singh of Beas police station on 29 April 1992 under FIR no. 55/92. There is no post-mortem report number and the cause of death is given as "bullet injuries".

The committee has gathered the following information about this case through its incident report form no. CCDP/00767. The victim's father is the main informant in this case.

Twenty-three-year-old Dilbagh Singh alias Baga, son of Mehnga Singh and Gurmej Kaur, was a dairy farmer from village Pheruman, Patti Sarnaga Di, under Beas police station, in Baba Bakala sub-division of Amritsar



Dilbagh Singh

district. His father was a small farmer with only two acres of land. After completing his school education, Dilbagh joined the army on a temporary basis and served as a motor mechanic at a garrison in Leh, the main city in Laddakh in Jammu and Kashmir State. For three years, he worked for the army and then went back to his village to open a dairy farm. Dilbagh was unmarried and lived with his parents, his married elder brother Jagtar Singh and his younger brother Mukhtiar Singh. He had no political or militant background and had never been arrested.

Around 7 p.m. on 13 August 1992, a group of policemen from Beas station led by head constable Anant Ram came to the booth where Dilbagh sold his dairy products. When the police arrived, Dilbagh was away fetching milk, but his partner Sher Singh was present at the shop. Not finding Dilbagh, the police went to look for him at his house. Meanwhile, Dilbagh returned to the shop with the milk and came to know that the police were looking for him. Sher Singh advised him to go away, but Dilbagh said that he was not a thief and had nothing to fear. Soon, the group of policemen came back and head constable Anant Ram told Dilbagh Singh that SHO Wassan Singh of Beas station wanted to talk to him urgently in connection with the investigation of a case. Dilbagh agreed to come along. His departure with head constable Anant Ram was witnessed by a large group of people who had meanwhile gathered at the milk shop.

Within an hour of their departure, Dilbagh's father Mehnga Singh came to the shop with some breakfast for his son. Sher Singh and others who had gathered there told him what happened and several prominent persons of the village, including all of the members of the village council, volunteered to go with him to Beas police station to find out what the matter was. They went to the police station and met SHO Wassan Singh who told them to return the next day and take Dilbagh Singh back then.

For the next seven days, SHO Wassan Singh kept assuring them that Dilbagh would not come to any harm and the police would release him soon. On the seventh day, Mehnga Singh received a message from his son through a constable to make vigorous efforts to get him out. Mehnga Singh got worried and asked a prominent person of the village to speak to the SHO in private. It took several days for this person to meet the SHO and to discuss the matter with him. The SHO again promised to let Dilbagh out the next morning. However, when this person came out of the SHO's room he was in tears. He felt that the SHO did not mean well.

That night Mehnga Singh heard many gunshots and became apprehensive for his son's life. Although the sound of gunfire was not uncommon in those days, he feared that the police might be staging an encounter to eliminate Dilbagh. His apprehensions proved real. The next morning, a boy from the village who used to drive a Tempo-taxi for hire came to deliver a message that Dilbagh had been killed the last night and his body was lying at Raiyya police station. The boy also said that the police was taking the body to Amritsar Medical College to carry out a post-mortem.

On receiving this message, all of the family members and several village elders went to the Medical College where a police head constable allowed them to take a look at the body, which had a bullet injury in the chest. The policemen also let them attend the cremation at Seetla Mandir cremation ground and even perform religious rituals. The next day, they went back to collect his ashes. The newspapers that day carried a story about the killing of Dilbagh Singh, identified as a militant, in an encounter that had allegedly occurred on the canal bridge at village Nijher-Tong.

Dilbagh's murder left a deep impression on his elder brother who started drinking excessively, also taking drugs. He died in 1997, leaving behind his widow Balwinder Kaur and three children. Mehnga Singh and his wife Gurmej Kaur too have become very depressed and are no longer able to work. Their only surviving son Mukhtiar Singh, who remains unmarried, shoulders the family responsibilities.

370. Under serial no. 395/80, the list identifies the cremation of Gurdev Singh, s/o Harbans Singh, r/o Pakhoke, carried out by ASI Lakhbir Singh of Jandiala police station on 6 May 1992 under FIR no. 62/92. The post-mortem report number is given as 6. 5. 92 and the cause of death is mentioned to be "bullet injuries".

The committee has gathered the following information about this case through its incident report form no. CCDP/01100:

Twenty-year-old Gurdev Singh was from Pakho Ke village, Charhdi Patti, within Tarn Taran sub-division of Amritsar district. His father Harbans Singh was a blacksmith and had a small workshop in the village. His elder brother Baldev Singh was a constable with the Punjab police. But his parents persuaded him to resign from fear of Sikh militants who used to target policemen and their families for murderous attacks. Gurdev Singh later became a carpenter. After completing his school education, Gurdev started learning his father's profession by working under him. Gurdev was unmarried and his younger brother Gulzar was still a school student.



Gurdev Singh

One day in the last week of April 1992, Gurdev had gone to Jandiala Guru to buy school books for his younger brother Gulzar. The police arrested him from a watch-repair shop in Jandiala Guru's main market along with Manjinder Singh, s/o Thakar Singh, and Major Singh, s/o Jagir Singh, both from his village. The watch-repair shop in bazaar Sheikh Patta belonged to Beera Singh. Manjinder was wanted by the police, but Gurdev had no connection with him. They may have met in the market by coincidence and, being from the same village, they may have started chatting.

Gurdev's house in Pakho Ke village was not far from Jandiala town and his family members soon found out about his arrest. Accompanied by the head of the village council and other elders, Harbans Singh went to Jandiala Guru police station and met SHO Udham Singh who brazenly denied arresting the boys. Gurdev Singh went to several politicians in Amritsar for help. But all his efforts were in vain.

On 7 May 1992, Harbans and his family members read a report in the newspaper, *Ajit*, which announced the killing of Gurdev Singh and Manjinder Singh in an encounter near village Dala Kalan that allegedly occurred when the police were taking them for the recovery of weapons. Some militants lying in ambush reportedly attacked the police vehicle and, in the ensuing cross-fire, both of them supposedly died. The police had already cremated the bodies at the Durgiana Mandir cremation ground on 6 May 1992. The families collected the ashes from the cremation ground.

The newspaper reports about the encounter killings identified both Gurdev Singh, s/o Harbans Singh, and Manjinder Singh, s/o Thakar Singh, and their families

collected their ashes from the cremation ground on 7 May 1992. However, the CBI's list of identified cremations shows only the cremation of Gurdev Singh on 6 May 1992. The CBI's list of partially identified cremations records the cremation of Manjinder Singh, s/o Kakkar Singh, Under serial no. 396/58. The post-mortem report is marked as WD/368 6.5.1992, and the cause of death is given as "bullet injuries". Manjinder Singh's experiences are summarized in the appropriate section. The CBI's third list of unidentified cremations, Under serial nos. 397/259 and 398/260, shows that the Jandiala police carried out two cremations on 6 May 1992, marked as unidentified, under the same FIR no. 62/92.

Several weeks later, the police released Major Singh, s/o Jagir Singh, who the police had arrested along with Gurdev and Manjinder. Apparently, his parents had paid a hefty sum of money to the SHO to save his life. Major Singh later told Harbans Singh and other village elders that after the arrest that the police drove them straight to Mall Mandi interrogation center in Amritsar where all three boys got segregated. He did not know what happened to Gurdev and Manjinder thereafter. Major Singh, however, died six months after coming out of illegal police custody.

The CBI, in its report about this case filed before the CBI's court at Patiala, seems to have exonerated the police of all blame.

371 - 372. Under serial nos. 400/81 and 401/82, the list identifies two cremations carried out on 12 May 1992 by the SHO of Lopoke police station under FIR no. 58/92. They are of [1] Lakhwinder Singh alias Lakha, s/o Surjit Singh, r/o Chak Kamal Khan, Ajnala; and [2] Harjit Singh alias Hari Singh, s/o Kashmir Singh, r/o Buttar, near Mehta. There is no post-mortem report number. The cause of death is given as "bullet injuries".

The committee has gathered the following information about these cases through its incident report form nos. CCDP/01173 and 01282. The main informants in these cases are Kashmir Singh, father of Harjit Singh, and Jagir Kaur, mother of Lakhwinder Singh.

Twenty-year-old Lakhwinder Singh alias Lakha, son of late Surjit Singh and Jagir Kaur, was a resident of village Chack Jamal Khan, post office Soran in Ajnala subdivision of Amritsar district. His father died in 1984 when Lakhwinder was very young. His brother Pragat Singh was an assistant sub-inspector of Punjab, and had no time to look after the family or to attend to agricultural work. For these reasons, Lakhwinder had to give up school. He tried to add to the family income by vending milk. According to his family members, Lakhwinder did not have any political or militant connections.

On 10 May 1992, SHO Dharam Singh of Lopoke police arrested Lakhwinder from the house of Angrez Singh, s/o Nahar Singh, at village Jajje. The same evening, his brother ASI Pargat Singh met SHO Dharam Singh and pleaded with him to save his brother's life. Dharam Singh promised not to harm his brother and proposed to release him after a few days of interrogation.

Lakhwinder, along with Harjit Singh, s/o Kashmir Singh from Butter village, was declared killed in an encounter staged on 11 May 1992 night near village Dhawinda Kalan. On May 13, the newspapers reported that the police were taking Lakhwinder and Harjit for recovery of arms when a group of militants tried to rescue them from

police custody. The story said that both were killed along with a militant in the resulting encounter.

Under serial no. 402/261, the CBI's list of unidentified cremations shows that the SHO of Lopoke police station carried out a cremation on 12 May 1992. In this case, no post-mortem report is mentioned.

After reading the newspaper story, Lakhwinder's family members approached the Lopoke police and got permission to collect his ashes from the Durgiana Mandir cremation ground.

The family did not take any action from the fear that it may adversely affect the career of Pragat Singh, Lakhwinder's elder brother who was an ASI. However, Pragat Singh himself died in a road accident some time later.

In the case of Harjit Singh, his father Kashmir Singh continued to agitate and managed to involve Amnesty International in launching a campaign for accountability and action. Kashmir Singh was convinced that the report of his son's killing in an encounter was false and aimed to demoralize him into silence.

Twenty-two-year-old Harjit Singh, s/o Kashmir Singh and Manjit Kaur, was from village Butter Kalan, Butter Patti, under Mehta police station, in Baba Bakala sub-division of Amritsar district. In 1992, Kashmir Singh was still working as a junior engineer with the Punjab State Electricity Board. He retired in 1999. Kashmir Singh's father, Baba Bishan Singh, was a renowned freedom fighter, a soldier in the British Indian army, who had disobeyed the regimental order to proceed to America and Europe to fight for Britain during World War II. The orders were received on 17 July 1940, but 112 soldiers of the unit, led by Baba Bishan Singh, refused the order and took an oath to shed even the last drop of their blood for the freedom of their own motherland, but not to wage war against other peoples merely to strengthen British imperialism. The British government saw this as mutiny and, after a quick court martial, hanged three persons, including Baba Bishan Singh, at Secunderabad on 6 September 1940.

Harjit, Kashmir Singh's eldest son, had trained himself as a scooter mechanic, but later joined the Punjab State Electricity Board as a casual worker. Because of the situation of violent unrest in Punjab at that time, his father decided to send him away to a relative Joginder Singh in Karnataka, a south Indian state, far away from the troubles in Punjab. Harjit found work there at the Kauda Sai Dam project. Harjit came back to Punjab in April 1992, after the elections when the Congress party formed a government under Beant Singh's chief ministership. After reaching Punjab, Harjit Singh heard from his relatives that his family members were staying away from their village home at Butter Kalan because of threats they had been receiving from unidentified armed men. Harjit's relatives also advised him not to go to his village yet. However, after living with some relatives at Jattan village for some time, Harjit Singh decided to go back to his village and see things for himself. On 29 April 1992 morning, Harjit started for his home village by bus. On the way near village Thathian, the police had set up a checkpoint under the leadership of ASI Ram Lubhaya, in-charge of the police post at Gagar Bhana. The bus was stopped at this checkpoint around 11 a.m. and Harjit Singh was made to get down by ASI Ram Lubhaya, Daljit Singh, a former militant working for the police generally known as a 'Police Cat', and constable Satbir Singh and several other policemen.

Kashmir Singh was at this time posted at Beas. He got the information about his

son's arrest at Thathian around 2:30 p.m. and immediately reached the site of the incident, where the eyewitnesses confirmed the forcible abduction, but were unable to point out where the police had taken him. Kashmir Singh then went to Baba Bakala police post and requested the in-charge to register an FIR about his son's abduction from a bus at Thathian village police checkpost. The in-charge of the police post refused to do so, but sent his superior officer a message on the wireless that the father of the abducted person wanted to get an FIR registered. This happened in front of Kashmir Singh.

Kashmir Singh searched for his son at various police stations and police posts in Amritsar district and also met senior police officials, including SSP Paramjit Singh Gill, IG D. R. Bhatti. He also met DSP Darshan Singh Mann three times, beseeching him to help. But none of them took any interest.

On 13 May 1992, Punjab newspapers carried a story about the killing of Harjit Singh in an alleged encounter between militants and the police. The press reports said that he had been killed along with Lakhwinder Singh, s/o Surjit Singh of Chack Jamal Khan and another unidentified militant. First, Kashmir Singh felt shattered, thinking that his son had been killed. Then he began to receive reports from reliable quarters that his son Harjit was being held at different police stations and interrogation centers. He made efforts and managed to personally see Harjit at Mehta Chowk police station and then at Mall Mandi interrogation center. First, he hoped that the police might release him and met various officials to plead with them to release his son. Encountering callousness and disinterest, he moved the high court with a petition for a writ of *habeas corpus*, marked as Writ Petition No. 615/1992. Justice H. K. Sandhu issued a writ and appointed a warrant officer R. L. Bhatia to go with Kashmir Singh and look for Harjit Singh at Mall Mandi interrogation center. Both reached Mall Mandi CIA interrogation center on 17 October 1992 and saw Harjit Singh inside. However, the warrant officer was not allowed to enter the building to meet Harjit Singh. He was made to wait till the SP in-charge of the interrogation center, B. R. Sharma, arrived. By then, the police officials managed to remove Harjit from the interrogation center through a back door. The warrant officer confirmed this sequence of events in his report to the high court dated 21 October 1992.

Kashmir Singh continued to receive reports of his son's illegal custody at various places. However, he himself managed to see Harjit Singh for the last time on 4 September 1992 in Kapurthala city.

The findings of the warrant officer appointed by the high court led to two more inquiries, conducted by the sessions judge of Chandigarh and later by the CBI. A case filed on the basis of their findings is still pending before the additional sessions Judge at Patiala.

Amnesty International launched a campaign to demand a transparent inquiry, determination of facts and justice in this case. Kashmir Singh also sent petitions to the highest officials of the Indian state, including the chief minister and governor of Punjab, the Prime Minister and the Chief Justice of India. But these petitions have not had any perceptible impact on the process.

373. Under serial no. 406/83, the list identifies the cremation of Debinder Singh, s/o Darshan Singh, r/o Talwandi Dogron, carried out by ASI Dharampal of Jandiala

police on 29 May 1992 under FIR no. 88/92. There is no post-mortem report number. The cause of death is mentioned as “bullet injuries”.

The committee has gathered the following information through its incident report form no. CCDP/01104. The victim’s father is the main informant in this case.

Davinder Singh alias Khindri, s/o Darshan Singh Nihang and Harbans Kaur, was a 20-year-old *Mazhabi* Sikh from village Talwandi Dogra under Jandiala Guru police station in Amritsar. After completing his school, Davinder started working as a laborer at a brick kiln near Amritsar where his father also worked. A clean-shaven Sikh, without strong religious convictions, Davinder was a good Kabaddi player. He had no political or militant affiliations, and the police had never arrested or questioned him in the past. Davinder was unmarried.

Early morning on 26 May 1992, SHO Uddham Singh of Jandiala Guru police station led a force to raid Davinder’s house and picked him up in front of his parents. The same group of officers also picked up two others from the same village: [1] Kuldeep Singh, s/o Chanchal Singh; and [2] Balbir Singh, s/o Bhola Singh. Another Sikh boy Pratap Singh alias Buddhu, s/o Harbans Singh from village Vadala Jauhal was also taken into custody.

On 30 May 1992, Darshan Singh read a newspaper report claiming that the police had killed his son Davinder Singh and Pratap Singh of Vadala Jauhal, declared to be militants, in an armed encounter that allegedly occurred near village Devidas Pur.

The CBI’s list of identified cremations mentions only one cremation on 29 May 1992, that of Davinder Singh. Pratap Singh’s cremation is not mentioned. For some mysterious reason, it figures in the second list of partially identified cremations, Under serial no. 407/62. According to the second list, the cremation of Pratap Singh, s/o Harbans Singh, r/o Jandiala, was carried out by ASI Dharam Pal of Jandiala police. 29 May 1992 stated under FIR no. 88/92. His story is summarized in the appropriate section.

Subsequently, the police released Kuldeep Singh and Balbir Singh of his village, who they had been picked up along with Davinder on May 26 morning.

374 – 375. Under serial nos. 408/84 and 409/85, the list identifies two cremations carried out by the SHO of Ajnala police station on 31 May 1992 under FIR no. 36/92. Names of those cremated are: [1] Dalbir Singh alias Beera, s/o Joginder Singh, r/o Bindiallough; and [2] Satnam Singh alias Sattu, s/o Sher Singh (Mazhabi), r/o Sohian Khurd. The post-mortem report in the case of Dalbir Singh is marked as ND/443/92. The cause of death is given to be “bullet injuries”.

The committee has gathered the following information about these cases through its incident report form nos. CCDP/01325 and 01602. The main informants are the residents of Khurd village in the case of Satnam Singh and the widow of Dalbir Singh, Jagir Kaur.

Twenty-eight-year-old Satnam Singh, s/o late Sher Singh, was a *Mazhabi* Sikh from village Sohian Khurd under Majitha police station in Amritsar. He was the youngest of four brothers and his parents had expired when he was very young. For some time, Satnam, like his brothers, worked as a farm laborer. Later, he started plying a cycle-rickshaw in Amritsar city to earn his livelihood. At harvest time, he used to return to the village to find work as an extra hand on agricultural farms. Satnam was

unmarried and had no political or militant connections.

In the first week of May, Satnam went back to his village to harvest the wheat crop of Naajar Singh, a prosperous farmer, along with one Channa, resident of Bhangwan village in Batala sub-division of Gurdaspur district. On May 30 morning, Satnam and his friend Channa had finished their night's work at Naajar Singh's farm and were returning to the village along the mud path, locally called *phirni*, when ASI Swaran Singh of Sohian Khurd police post detained them on suspicion. Naajar Singh himself witnessed their arrest and later met ASI Swaran Singh to request him to release his farm workers. According to Naajar Singh, the ASI refused to release Satnam Singh and interrogated him under torture. The next day, the ASI claimed that Satnam had been transferred to Majitha police station for further interrogation. Naajar Singh and other villagers then went to Majitha police station where the officer denied any knowledge of Satnam Singh's arrest and declared that he was not in their custody.

Satnam did not have anyone in his family to pursue his case. There was no one even to collect his ashes.

Naajar Singh tried to intervene, but failed to help. Later, it turned out that Satnam was stated to have been killed in an encounter staged on May 30 itself, along with two others. But Channa, who had been arrested along with Satnam, was not one of those killed. Apparently, ASI Swaran Singh had released him.

The CBI's list identifies the second person cremated along with Satnam as Dalbir Singh. Apparently, there was no connection between the two persons.

Son of Joginder Singh from village Bhindi Aulakh, Charhdi Patti, under Lopoke police station in Ajnala sub-division of Amritsar district, his actual name was Balbir Singh, but he used Dalbir as his alias. A farmer who also traded in cattle, Balbir 30, was married to Jagir Kaur. Their two young sons Harnek Singh and Kuldeep Singh are now 15 and 13.

Balbir's village Bhindi Aulakh is situated very close to India's border with Pakistan and, at the advent of militancy in the state, the police began to suspect its residents of helping militants cross the border and smuggle weapons. The police illegally detained Balbir for questioning several times in 1986 and 1987 and tortured him savagely although they had no evidence of his involvement in anything illegal. Fearing further harassment, Balbir and his family left the village and began to live in hiding. Balbir now depended on cattle trade for his living.

In the last week of May 1992, Balbir Singh went to Sorian village to purchase some buffalos and was arrested from the house where he had taken shelter. His widow Jagir Kaur suspects that his host had betrayed him under police pressure. Balbir was brought to Ajnala police station for interrogation and, after a few days, killed along with Satnam Singh in a fake encounter on May 30 night. The police carried out the cremation without informing the family.

376 – 378: Under serial nos. 412/86, 413/87 and 414/88, the list identifies three cremations carried out by the Jandiala police under FIR no. 94/92 on 5 June 1992. They are of: Gurdeep Singh alias Ranjit Singh, s/o Joginder Singh, r/o Cheeta Kalan; [2] Nirmal Singh, s/o Bishan Singh, r/o Pandori; and [3] Jatinderpal Singh alias Sheeta, s/o Amrik Singh, r/o Pandori. The post-mortem report numbers are marked as RKG/457/92, ND/469/92 and RKG/58/92. The cause of death is mentioned to be "bullet injuries".

The committee has gathered the following information about these cases through its incident report form nos. CCDP/01105, 01106 and 01107. The main informants in these cases are Gurdeep Singh's wife Sarabjit Kaur, Jatinderpal Singh's father Amrik Singh, and Nirmal Singh's mother Gurdeep Kaur.

Thirty-three-year-old Gurdeep Singh, son of late Joginder Singh and Swaran Kaur, was from village Jhitte Kalan, Bundale Wale Rah, under Do Burji police station, in Amritsar. He was a farmer married to Sarabjit Kaur and had two daughters and two sons. The eldest daughter Kuldeep Kaur is now 21.

Gurdeep Singh, an only son, and his family of baptized Sikhs were leading a normal life until the Indian army launched its infamous attack on the Golden Temple of Amritsar in June 1984. The event left a deep imprint on Gurdeep Singh's mind and, feeling alienated from the Indian establishment, he began to sympathize with the militant movement for the establishment of a sovereign Sikh state. The police arrested him on the basis of suspicion several times, interrogating and torturing him in illegal custody. Finally, Gurdeep, fed up with these regular atrocities, decided to join the ranks of militants himself.

In the evening on 4 June 1992, Gurdeep sneaked back into his village to briefly visit his family. He had just entered his home when a joint group of Punjab police from Jandiala Guru and a contingent of the Indian army surrounded the house and took him away after arresting him. A few hours later, the Punjab police orchestrated an encounter and killed Gurdeep Singh along with two others from Pandori Mehma village, only one-and-a-half kilometers from Jhitte Kalan. The others killed were Jatinder Pal Singh and Nirmal Singh.

Twenty-two-year-old Jatinderpal Singh, s/o Amrik Singh and Harjit Kaur, from village Pandori, post office Mehma in Amritsar district had completed his school education and begun working with his father on his agricultural farm. Jatinderpal had never been involved in any political or militant activities and was never arrested. He was unmarried.

Around 10 p.m. on 4 June 1992, Jatinderpal and his friend Nirmal Singh, s/o Bishan Singh, went to the neighboring village Jhitte Kalan with the intention of hiring extra hands to transplant paddy in his fields. The family was not aware of anything untoward in the trip. But soon after Jatinderpal left home, they heard loud and intermittent sounds of firing. Then they heard that the army and the police had set up a checkpoint on the way to Jhitte Kalan and they could not venture out. Jatinderpal and his friend Nirmal Singh did not return home that night.

Twenty-two-year-old Nirmal Singh alias Nimma, s/o Bishan Singh and Gurdeep Kaur, from village Pandori Mehma, Nigah Patti, was a mason by profession. He had no political background and had never been arrested or interrogated by the police. Nirmal was also unmarried. When his friend Jatinderpal met him that evening with the request to accompany him to Jhitte Kalan for hiring farm laborers, he had no reason to hesitate.

The next morning, the Jandiala Guru police brought three bodies to Pandori Mehma village and asked everyone to come out to identify them. Jatinderpal Singh and Nirmal Singh, along with Gurdeep Singh of Jhitte Kalan, had been declared killed in an encounter. Newspaper reports that day said that three militants had been killed in a fierce encounter with the Jandiala police.

In the prevailing atmosphere of police terror, the families were unable to do

anything. They attended the cremations carried out by the police, and brought back the ashes for their ritual immersion in a river.

379 – 382. Under serial nos. 415/89, 416/90, 417/91 and 418/92, the list identifies four cremations carried out by the Jandiala police on 5 June 1992 under FIR no. 96/92. They are of: [1] Jagtar Singh, s/o Dilip Singh, r/o Kairon; [2] Sarwan Singh, s/o Mohinder Singh, r/o Makhi; [3] Satnam Singh, s/o Jarnail Singh, r/o Kairon; and [4] Hardeep Singh, s/o Sajjan Singh, r/o Bath. The four post-mortem reports are marked as WD/438/92, WD/460/92, WD/461/92 and WD/462. The causes of death are mentioned to be “bullet injuries” and “police encounter”.

The committee has acquired the following information about three of these cremations through its incident report form nos. CCDP/00134, 01545, 00683 and 01144. The main informants are Jagtar’s brother Gurmej Singh, Sarwan Singh’s mother Sawinder Kaur and other residents of Kairon village, and Hardeep’s mother Gurmej Kaur.

Thirty-two-year-old Jagtar Singh alias Jagga, son of Dalip Singh and Prakash Kaur, resident of village Kairon [Mehlan Wale] under Patti sub-division of Amritsar district, earned his livelihood as a truck driver. He was married to Harjit Kaur and they had two sons. The oldest son who was then four, died later from the shock of his father’s murder. The younger son Gurlal Singh, who was then just 35-days old, is now 10. According to his mother, Jagtar had never been involved in political or militant activities.

Twenty-year-old Sarwan Singh, son of Mohinder Singh and Sawinder Kaur, was, like Satnam Singh, a truck driver resident of Margindpura, Patti Jagge Ki, under Bhikhiwind police station, in Patti sub-division of Amritsar district. Sarwan and Jagtar were close friends. Sarwan was unmarried and was not directly involved with the militant movement, unlike one of his older brothers Dilbagh Singh who took active part in it. The police eventually captured and killed Dilbagh at Jagatpura village under Jhabbal police station.

Early in the month of June 1992, his mother Prakash Kaur does not remember the exact date, Jagtar borrowed the scooter of his employer, a commission agent, and together with Sarwan Singh went to visit a relative at village Jharu Nangal. On the way, the Jandiala Guru police arrested both of them. Prakash Kaur learnt about it when the commission agent, who had lent his scooter to Jagtar Singh, visited her after making inquiries at the police station. He was eventually able to recover his scooter from the police station.

Prakash Kaur tried to talk to the SHO of Jandiala Guru police station who abused her and turned her out. On 8 June 1992, in the daily *Ajit*, she read about the killing of Jagtar Singh, along with three others, in an alleged encounter with the police. When she approached the SHO again, he told her to visit the Durgiana Mandir cremation ground where the attendants pointed out four heaps of ashes and asked her to collect any one of them.

Nineteen-year-old Satnam Singh alias Satta, the only son of Jarnail Singh and Gurnam Kaur from Hambo ki Patti in village Kairon, was one of the persons cremated along with Jagtar Singh on 5 June 1992. He was unmarried and worked as a construction laborer.

On 4 June 1992, the police picked him up from his house in front of his parents. They learnt about his killing from a newspaper report about an alleged encounter resulting in his death, along with three other “militants”. The parents being uneducated and poor could do no more than search for him in all the police stations in their area. After reading the news report about his killing, they went and collected his ashes and also got back the clothes he was wearing when he was killed.

Nineteen-year-old Baljit Singh alias Hardeep Singh, son of Sajjan Singh and Gurmej Kaur, was a higher secondary school student from Baath village, Lehndi Patti, under Tarn Taran’s Sadar police station. According to his mother Gurmej Kaur, Baljit had never been arrested or interrogated before this incident.

In the morning on 1 June 1992, two policemen in plainclothes came to Baljit’s house and tried to drag him away to their vehicle parked at some distance. Noticing this, Gurmej Kaur came out of the house and asked the two in plainclothes why they were forcing her son to go with them. The policemen said that they wanted his directions to reach someone’s house and pushed him into a large blue-colored vehicle and went away.

When Baljit did not return home for a long time, his family members began to get worried. First, they made inquiries in the village and then went to various police stations in Tarn Taran sub-division, but did not receive any information.

The family members could not find out anything about what happened to Baljit Singh alias Hardeep until the CCDP members pointed out to them that he had been cremated by the Jandiala Guru police at Durgiana Mandir cremation ground on 5 June 1992, along with five others as stated under FIR no. 96/92.

383. Under serial no. 426/93, the list identifies the cremation of Kulwant Singh alias Kanta, s/o Santokh Singh, r/o Ratool, carried out on 21 June 1992 by Gurwinder Singh of Kathunangal police station, under FIR no. 46/92. The post-mortem record is marked as RKA/69/92. The cause of death is given as “police encounter”.

The committee has collected the following information through its incident report form no. CCDP/01518. The main informant is the victim’s father.

Kulwant Singh, (15), son of Santokh Singh and Charan Kaur, was a *Mazhabi* Sikh boy from village Rataul, Mazhabian Da Vehra, under Tarn Taran’s City police station. Kulwant never attended school and used to work as a laborer to support his poor family. Although a *Mazhabi* Sikh, he was also very religious minded and used to participate in the campaigns to organize voluntary labor for the renovation and maintainance of important gurdwaras. Sometimes, as a member of such a voluntary force, he used to be away from home for weeks together. Kulwant was unmarried.

In June 1992, Kulwant had joined a team of voluntary laborers to do some work at Gurdwara Guru Ka Bagh near Amritsar. When he did not return home for weeks, his father Santokh Singh went to the shrine and asked the in-charge of the “voluntary force”, called “kar sewa”. He was told that one day when Kulwant had gone to a village to collect cattle from Sikh households, the police arrested him and since then his whereabouts were not known.

As a poor man without resources and contacts, Santokh Singh was unable to pursue the case of his son’s arrest and returned home. The family hoped that Kulwant would be released from police custody and come back. But there has been no trace

of him since his arrest. After six months, some policemen came to his house to make an inquiry about Kulwant and his family members, but did not disclose what had happened to him.

Santokh Singh heard from the CCDP members for the first time about the 21 June 1992 cremation of his son's body by Kathu Nangal police at Durgiana mandir cremation ground at Amritsar. It seems that newspapers on 21 June 1992 had reported the killing of three militants named Gurbhej Singh Bheja, Harpreet Singh and Kulwant Singh in an encounter near Bhilowal village in Majitha police district. Clearly, the report referred to Kulwant Singh, son of Santokh Singh of Rataul village. However, the CBI's list does not show what happened to the other two bodies.

384. Under serial no. 429/95, the list identifies the cremation of Jaswinder Singh, s/o Mohinder, r/o Talwandi Shipimal, carried out by the Majitha police on 25 June 1992 under FIR no. 68/92. The post-mortem report number is marked as GM/645/92 and the cause of death is noted as "police encounter".

The committee has collected the following information about this case through its incident report form no. CCDP/01502. The main informant is the victim's brother Shubhdev Singh.

Twenty-year-old Jaswinder Singh alias Jassa, s/o Mohinder Singh and Gurbachan Kaur, r/o village Talwandi Sipahi Mall, under post office and police station Jhander, in Ajnala sub-division of Amritsar district, was a baptized Sikh who completed his school education and then became a farmer. In January 1989, Jaswinder got married to Palwinder Kaur. Their only son Harpreet Singh is now 11.

Some months after his marriage, the police began to raid Jaswinder's house to arrest him. Jaswinder was wary of illegal detention and torture and slipped away from his house. The police then started detaining his family members and torturing them for information about his whereabouts. The police especially singled out his brothers for torture and did not allow them to cultivate their land. Finally, to escape police atrocities, his entire family decided to leave the village.

Around 4 p.m. on 24 June 1992, Jaswinder was arrested from the house of Balwinder Singh, s/o Veer Singh, an employee of the state electricity department, from Khatrai Kalan, which is less than a kilometer-and-a-half from Talwandi Sipahi Mall. SHO Gurbinder Singh of Majitha police directed the raid and arrest, and also took Balwinder into custody. Within an hour of making the arrests, the police staged an "encounter" and killed Jaswinder Singh, identified as a militant in newspaper reports that appeared the following day. Balwinder remained in illegal police custody for a month and then was released under pressure from the electricity department.

About the killing and the cremation of Jaswinder Singh, his family members did not receive any direct information from the police. However, they managed to collect his ashes from the Durgiana Mandir cremation ground.

Jaswinder's widow Palwinder Kaur has since remarried.

385. Under serial no. 430/96, the list identifies the cremation of Gurbaljit Singh alias Gurjit alias Bittu, s/o Sewa Singh, r/o Lohgar, Beas, carried out by Beas police on 25 June 1992 under FIR no. 75/92. The post-mortem report number is marked as GM/642/92 and the cause of death is stated to be "police encounter".

The committee has acquired the following information about this case through its incident report form no. CCDP/01315. The main informant in this case is the victim's brother Jasbir Singh.

Twenty-year-old Gurbaljit Singh, from Lohgarh village near Raiyya within Baba Bakala sub-division of Amritsar district, was the youngest son of Sewa Singh, the head of his village council and the former chairman of the market committee of Raiyya. In school, Gurbaljit was influenced by the militant movement for a sovereign Sikh state. He gave up school, joined the ranks of an underground militant organization and began to live away from home. The police regularly raided his house and detained and tortured his family members for information.

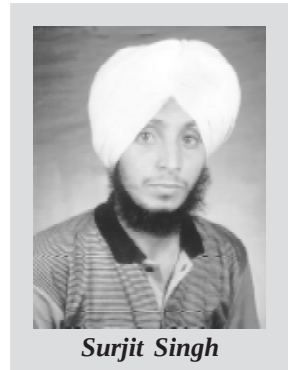
On 21 June 1992, SHO Wassan Singh of Beas police station arrested Gurbaljit from the house of a *Mazhabi* Sikh in Thathian village. Sewa Singh found out about the arrest and tried unsuccessfully to plead with the SHO to save his son's life. The SHO denied arresting Gurbaljit. The Beas police, however, killed him in an "encounter" staged three days after his arrest and cremated his body at the Durgiana Mandir cremation ground. Sewa Singh was unable to take any action from the fear of further retaliation by the police.

386. Under serial no. 434/99, the list identifies the cremation of Surjit Singh, s/o Gareeb Singh, r/o Chajalwadi, carried out on 3 July 1992 by the Jandiala police under FIR no. 127/92. There is no post-mortem report number. The cause of death is mentioned to be "police encounter".

The committee has collected the following information about this case through its incident report form no. CCDP/01110. The main informant is the victim's brother Satnam Singh.

Twenty-one-year-old Surjit Singh, alias Sappi, s/o late Gareeb Singh and Anant Kaur, was a resident of village and post office Chhajalvaddi, Sarlian Wala Raah, within Baba Bakala sub-division of Amritsar district. The father of Surjit Singh, a baptized Sikh and the youngest in the family, had died in 1983. The eldest brother Bachitter Singh was working in the Birla Cement factory in Madhya Pradesh and came to visit his family in the village occasionally. Surjit gave up his studies after passing the matriculation examination, and began to help his brother Satnam Singh in the agricultural work. Surjit had also been an avid student of the Sikh scriptures and was often asked to read the *Guru Granth Sahib* by the people from neighboring villages on ceremonial occasions. This allowed Surjit to supplement his income.

The village Chhajalvaddi had also been the native place of Surjit Singh Painta who had left his home to join the militant ranks soon after June 1984. The police used to routinely pick up young Sikhs of the village, interrogate and torture them for information about Painta's whereabouts and their possible links with him. Surjit and Satnam had also gone through these vexations. Otherwise, they had never been arrested in connection with any militant crime.



Surjit Singh

On 3 July 1992, Surjit Singh was returning in a *tonga* (horse-driven carriage) from village Muchhal after giving a recital of Sikh scriptures. Another young Sikh Dalbir Singh from Varana village in Tarn Taran was also riding on the same tonga. SHO Udham Singh of Jandiala Guru police station stopped the *tonga* when it came on to the Grand Trunk road. Immediately, the SHO took out his revolver and without saying or asking any questions, shot both Surjit and Dalbir dead. Half-an-hour later, the Jandiala Guru police went to Surjit's house and brought his uncle Bhagwan Singh, his cousin Lashkar Singh and the head of the village council, Harbhajan Singh, to Jandiala Guru police station to identify the bodies. The SHO also admitted that "innocent persons had been killed by mistake". The police and the army had been engaged in a combing operation of Muchhal village that day because of the information that some militants were hiding there. The SHO had mistaken Surjit and Dalbir, with their conspicuous symbols of baptized Sikhs, to be militants and had shot them dead.

The police version of the incident, reported by the Punjabi newspapers, including *Ajit*, on 4 July 1992 was different. The police claimed that during a search operation near village Muchhal in Majitha police district, a militant was killed in an "encounter" and one of his accomplices died after consuming cyanide. The police also claimed to have recovered a revolver and its cartridges from the site.

The CBI's list of identified cremations only shows the cremation of Surjit Singh on 3 July 1992. For some unknown reason, the cremation of Dalbir Singh alias Rana, from Varana village under Tarn Taran's Sadar police station, is recorded in the CBI's partially identified cremations Under serial no. 435/69. The cremation on 3 July 1992 by Jandiyala Guru police was under FIR no. 127/92 and the post-mortem report is marked as ID/491/92. The cause of death in both the cases is given as "police encounter" and the version given to the press by the police about one of the militant committing suicide is not reflected in the lists.

387 – 388. Under serial nos. 436/100 and 437/101, the list identifies two cremations carried out on 5 July 1992 by the Lopoke police under FIR no. 79/92. They are of [1] Sukhwinder Singh, s/o Dalip Singh, r/o Manowala and [2] Sucha Singh, s/o Bhagwant Singh, r/o Mandiawala. There is no post-mortem report number. The cause of death is mentioned to be "police encounter".

The committee has collected the following information through its incident report form nos. CCDP/01615 and 01611. The main informants are Sukhwinder's sister Lakhbir Kaur and Sucha Singh's widow Sheelo.

Twenty-four-year-old Sukhwinder Singh, son of Dalip Singh and Mohinder Kaur, was a young farmer from village Manawala, Tehs Utte, under Lopoke police station, in Ajnala sub-division of Amritsar district. He was married to Sarabjit Kaur and had three young sons.

Sukhwinder himself was not involved with the militancy but his sister Lakhbir Kaur's husband Kashmir Singh, s/o Harwant Singh of Rajoa village (near Harjowal), was suspected of maintaining such links and had been arrested and tortured for information a number of times. In September 1991, Lopoke police arrested and tortured Kashmir Singh so severely that he died at Guru Nanak Hospital in Amritsar on 12 September 1991. The Lopoke police also used to arrest and interrogate Dalip

Singh's family members, including his sons, because of Kashmir Singh.

Twenty-five-year-old Sucha Singh, son of Bhagwan and Poono, was a farmer from village Mandia Wala, post office Bhilowal, under Lopoke police station, in Ajnala sub-division of Amritsar district. The youngest of four brothers, Sucha Singh was married to Sheelo and had a daughter Harjinder Kaur who is 11 old now.

Mandiala Wala village is very close to the India-Pakistan border and Sucha Singh's ancestral agricultural land is located along the fence put up by the security forces to demarcate it. Although Sucha Singh and his family members were not involved with any political or militant group, the local police suspected them of helping militant groups in smuggling weapons from Pakistan.

Around 10 a.m. on 1 July 1992, a group of policemen from Lopoke station came to Sukhwinder Singh's agricultural farm, which was then located close to Lodhi Gujjar village, when Sukhwinder, his brother and father Dalip Singh were transplanting paddy. The policemen directed all three to come along with them to the police station. At Lopoke police station, SHO Dharam Singh brutally tortured Sukhwinder, also man-handled his father and his elder brother. The police accused Sukhwinder of helping militants and locked him up in a separate cell. No one could pursue their case because there was no other male in the family to do so.

On 6 July 1992, newspapers published a statement issued by the SSP of Majitha about the killing of two militants Sukhwinder Singh and Sucha Singh in an encounter. According to the SSP, the associates of the militants tried to rescue them from police custody while they were being taken for the recovery of weapons. The police carried out the cremations while Dalip Singh and his elder son were still locked up at Lopoke police station.

The Lopoke police released Dalip Singh and his elder son several days later. The police continued to raid their house and, fearing that they might also kill his elder son, Dalip Singh sold all his land and left Punjab. Right now only his daughter Lakhbir Kaur, widow of Kashmir Kaur, lives in Dalip Singh's ancestral house at village Mana Wala. She still fears police reprisal and refused to disclose the name of her elder brother.

Sucha Singh of Mandia Wala village was also shown to have been killed in the same encounter with Sukhwinder Singh and cremated along with him on 5 July 1992. Around 1 or 2 July 1992, Sucha Singh and his wife were going on their tractor to a fair at village Bhindi Saida where people traditionally donate firewood. Thus, Sucha Singh and his wife had also loaded their tractor with firewood. When they came to village Bhindi Aulakh, very close to the grounds on which the fair was being held, the police stopped them and took them into custody. The police tied Sucha Singh's hands behind his back and blindfolded him. Initially, the policemen wanted to arrest his wife too but, after some consultation among themselves, let her go. The police also confiscated the tractor-trolley. His wife Shiloo returned home and informed the family about Sucha Singh's arrest. The family tried to meet SHO Dharam Singh but were asked to meet someone very close to him. This person, acting as a middleman, demanded money for Sucha Singh's release and, fearing that the police might eliminate him in a fake encounter, the family paid up.

It was through a newspaper report on 6 July 1992, that the family learnt that Sucha Singh was killed along with Sukhwinder Singh in an "encounter". Two days later, the Lopoke police again raided Sucha Singh's house and arrested his elder brother

Karam Singh. They detained him illegally for nearly two weeks and then implicated him in a case under TADA.

389 – 391. Under serial no. 439/103, 140/104 and 441/105, the list identifies three cremations carried out by ASI Kashmir Singh of Beas police on 13 July 1992, under FIR no. 79/92. The names of those cremated are: [1] Manjit Singh alias Gurella, s/o Pyara Singh, r/o Sathiala; [2] Balwinder Singh, s/o Dalbir Singh, r/o Khassa, Sathiala, district Kapurthala; and [3] Ranjit Singh, s/o Jagir Singh, r/o Dolpur, PS Sadar Batala, district Gurdaspur. The post-mortem reports are marked as SPG/775, SPG/347 and SPG/348/92. The cause of death is given as “police encounter”.

The committee has collected the following information about Manjit Singh through its incident report form no. CCDP/01626. The main informant is the victim’s brother Sukhjot Singh.

Twenty-four-year-old Manjit Singh alias Pappu, son of Piara Singh and Harbans Kaur, was a constable of the Punjab police and resident of Sathiala village, Patti Khan Ki, under Beas police station, in Baba Bakala sub-division of Amritsar district. He was married to Mandeep Kaur and had three sons. The eldest Gurpreet Singh is now 17.

Having joined the Punjab police in 1986, Manjit Singh worked for the police till 1988 without any problems. In that year, the headman of the village council of Sathiala, (retired) Brigadier Gurbachan Singh, complained to the SSP that Manjit had links with militants. Gurbachan Singh was an influential man with a long history of family feud with Manjit Singh. Having retired from a high position within the Indian army, he also had contacts with important officials and politicians. The SSP of Majitha police district took the complaint seriously and had Manjit Singh arrested and interrogated at Mall Mandi interrogation center at Amritsar for nearly three weeks. Although the interrogation had been harsh, nothing could be established to implicate Manjit Singh and he was reinstated to his position at Yodhe police post under Beas police station.

Gurbachan Singh now took up his complaint against Manjit Singh with higher officials of the state administration and got Manjit Singh arrested under the National Security Act, providing for two years of detention without trial. When Manjit Singh came out of jail, the police started conducting raids, arresting and torturing him frequently. Manjit Singh was finally fed up and, left home to join the underground militant movement. Now, the police started tormenting his family members.

Around 9 a.m. on 12 July 1992, Manjit Singh was taking a walk near Gurdwara Taheria Wala in his village Sathiala when he was surrounded by the Beas police and shot dead at a close range. According to several eye-witnesses, the police had neither tried to arrest him nor had Manjit attempted to escape. Also, he had no weapon on him to fight back.

The same day, in a separate incident, the police killed two other young Sikhs at Sathiala village and claimed that all three had died in an encounter. The two others killed the same day are Balwinder Singh Khassan and Ranjit Singh of Dhaulpur.

The Beas police did not return their bodies to the families, instead cremated them at Durgiana Mandir cremation ground on 13 July 1992.

392. Under serial no. 444/106, the list identifies the cremation of Paramjit Singh,

s/o Trilok Singh, r/o Udoke, carried out by Mehta police under on 17 July 1992, FIR no. 72/92. The post-mortem report number is marked as GM/756/92 – 16.6.1992. The cause of death is given as “police encounter”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01285. The main informant is the victim's daughter Sharanjit Kaur.

Thirty-five-year-old Paramjit Singh, s/o Trilok Singh and Swaran Kaur, was a farmer from Udoke village, Ker Wala Patti, under Matrewal-Chogawan police station, in Baba Bakala sub-division of Amritsar district. A baptized Sikh, Paramjit was married to Manjit Kaur. They had a daughter, Sharanjit Kaur, now 17 and two sons, Gurpreet Singh and Gangandeep Singh, 16 and 14.

Paramjit was the eldest of four brothers and while he was still at school and was preparing to appear for the matriculation examination, his father Trilok Singh, former head of the village council, was murdered because of a land dispute. His father's murderer Chanchal Singh later joined the ranks of a militant outfit and even confiscated a licensed rifle that Paramjit possessed. But the police suspect Paramjit of helping militants, and of giving them food and shelter in his house which was located on the outskirts of the village, in the middle of his agricultural farm. This was the situation many people in Punjab's villages were caught in at this time. They were caught between the militants on the one hand, and the atrocities and indiscriminate of the police establishment, on the other.

Paramjit was in a similar bind. In 1991, after some militants snatched away his licensed rifle, the police, instead of recovering it or even offering him protection, registered a case against him under the Arms Act. After he came out of jail, six months later, some militants again attempted to kill him. Paramjit went to hiding.

Around 1 p.m. on 16 July 1992, SHO Sarabjit Singh and head constable Surjit Singh Bazigar from Mehta police station raided the house of Paramjit Singh who had just returned from working on his fields. They took him into custody and went away. His wife Manjit Kaur rushed to her parents' village Nanu Ke near Amritsar and requested her brothers to try and save her husband's life. However, before they could do anything, the police staged an “encounter” outside Udoke village and killed Paramjit. A report about the encounter and the killing of a militant named Paramjit Singh appeared in several newspapers on 18 July 1992. The SHO permitted Paramjit's family members to attend the cremation, carried out by the police, at the Durgiana Mandir cremation ground.

When the family returned home after attending the cremation, head constable Surjit Singh Bazigar arrived with a police force and burnt down all household items, the tube-well room on his farm and the doors of the house. The family was so terrorized by this action that they ran away and did not return to the village for one whole year. The loss of the property and agricultural income was estimated to be more than Rs. 100,000.

393 – 394: Under serial nos. 446/108 and 447/109, the list identifies two cremations carried out by SI Balbir Singh of Kathunangal police on 19 July 1992 under FIR no. 56/92. They are of: [1] Patwinder Singh alias Billa, s/o Hari Singh, r/o Khojkipur; and [2] Sawinder Singh alias Shantlu, s/o Acchar Singh, r/o Manga

Sarai. The post-mortem reports are marked as ND/522/92 and ND/523/92. The cause of death is given to be “police encounter”.

The committee has collected the following information about Sawinder Singh from its incident report form no. CCDP/01292. The main informant is Sawinder Singh's father Shiv Singh, whom the CBI's list wrongly identifies as Acchar Singh.

Thirty-year-old Sawinder Singh alias Chhindu, son of Shiv Singh and Surjit Kaur, was a resident of village Manga Sarai, post office Dhadde, under Kathu Nangal police station, in Amritsar district. He was unmarried. Sawinder's elder brother was a constable with the Punjab police.

Sawinder became an Amritdhari Sikh soon after Operation Blue Star in June 1984. He also joined the Sikh Students Federation. He was arrested in 1988 and, after weeks of illegal interrogation under torture at the CIA staff center at Majitha, formally charged with offences under TADA and the Arms Act. After he came out on bail towards the end of 1989, the police continued to illegally detain and torture him. Finally, he left his home to join the militants. The police now started tormenting his family, holding his father and other family members in illegal custody and coercing them to produce him before the police. But the family was unable to do so.

On 30 June 1992, the Andhra Pradesh police arrested Sawinder Singh and three of his associates in Hyderabad, under the Arms Act. They were locked up in the Hyderabad jail. The information about their arrest reached Shiv Singh on 2 July 1992 and he, together with the relatives of other boys arrested with Sawinder, immediately left for Hyderabad. On reaching Hyderabad, they were detained for some hours when they approached a police officer for help in locating their children. Here they came to know that a group of Punjab police officers, led by DSP Balbir Singh of Majitha and the SHO of the Kathu Nangal police station, were already in the city to take Sawinder and his companions back to Punjab. Shiv Singh got scared, and together with the relatives of the other boys, came back to Punjab without attempting to see his son.

On 19 July 1992, the newspapers in Punjab published a report about the killing of Sawinder Singh and Patwinder Singh, also a resident of Khojkipur, in an encounter that supposedly occurred in village Kadarabad. The police carried out the cremations without informing the family. The next day, Shiv Singh went to the Durgiana Mandir cremation ground and was told by an attendant that the Kathu Nangal police had cremated two bodies on 19 July 1992. He collected the ashes from the pyre indicated by the attendant.

395 – 396: Under serial nos. 448/110 and 449/111, the list identifies two cremations carried out by Jandiala police on 22 July 1992 under FIR no. 140/92. They are of: [1] Jasbir Singh, s/o Nazar Singh, r/o Baba Bakala, Jandiala; and [2] Tarlochan Singh alias Hansa, s/o Kishan Singh, r/o Saidonlehl. The post-mortem reports are marked as ND/525/92 and ND/524/92. The cause of death is given as “police encounter”.

The committee has gathered the following information about Tarlochan Singh, s/o Kishan Singh, through its incident report form no. CCDP/01217. The main informant in this case is the victim's father Kishan Singh.

Seventeen-year-old Tarlochan Singh, s/o Kishan Singh and Sawinder Kaur, was the resident of Charhdi Patti in village Saido Lehal under Mattewal police station in Baba Bakala sub-division of Amritsar district. Tarlochan had a brother and a sister, both elder to him. His father was a small farmer with 10 acres of land.

Tarlochan was studying in class IX in government high school in Chagawan when his parents transferred him to a school in Nawan Pind because they were apprehensive of the militant influence on their son in an area that was considered to be its hotbed. They still did not feel comfortable and sent him off to Mumbai to a relative, where he learnt to drive and got a job as a truck driver.



Tarlochan Singh

In April 1992, Tarlochan came back to the village to visit a relative who had fractured his legs in a road accident. A few days after his return, the Mehta police raided his house, but Tarlochan was not home. Tarlochan, fearing torture, did not go back to his house. The police picked up his father and brother and tortured them brutally. The police told them to either produce Tarlochan or get him arrested. The police raids, illegal detention and custodial torture became very frequent. Apart from the Mehta police, officers from the Mall Mandi interrogation center also began to take them away for torture. Kishan Singh has not still recovered from these harrowing experiences. His arms remain limp and he is unable to work. The police used to suspend him from the ceiling after tying his hands to his back with a rope that went through a big hook in the middle of the roof.

After these experiences, Kishan Singh and the rest of the family left the village. Their agricultural work came to a standstill and their cattle died from hunger. It was impossible for them to hire domestic help as no one in the village would agree to work for them because of the fear of the police.

On 21 July 1992, DSP Baba Bakala and SHO Udham Singh of Jandiala Guru carried out a combing operation at village Joga Singh Wala. On that day, Tarlochan was staying with a distant relative in the village. All the male residents of the village were made to gather at the gurdwara and asked to identify themselves. Tarlochan was also questioned and when he told them that he was visiting a relative, he was segregated and tortured in front of all until he disclosed his real identity.

The same night, Tarlochan Singh along with Dr. Balwinder Singh, resident of Baba Bakala, were killed in "encounter" staged in village Jabbowal near a brick kiln. The CBI's list Under serial no. 448/110 identifies the cremation of the second person killed in the encounter as Jasbir Singh, s/o Nazar Singh, r/o Baba Bakala. After reading about the killing of his son in newspapers on July 23, Kishan Singh and the other members of the family went back to the village. On the fourth day after the incident, some people collected at his house to express their grief and condolences. While the people were still around, SHO Udham Singh came with a large police force, pulled Kishan Singh out and beat him up in front of every one punching his ears so hard that he almost became deaf. The SHO also abused the mourners and asked them to disperse.

Kishan Singh did not take any action from the fear that the police might kill

his only remaining son. According to Kishan Singh, the police arrested and killed, in separate incidents, three other residents of his village. They are: [1] Daya Singh, s/o Jarnail Singh; [2] Baljinder Singh, s/o Jarnail Singh; and [3] Wazir Singh, s/o Bakhshish Singh.

397. Under serial no. 451/113, the list identifies the cremation of Gurwinder Singh, s/o Chanan Singh, r/o Pheroman, carried out by the Beas police on 24 July 1992 under FIR no. 86/92. The post-mortem report number is marked as LD/380/92 and the cause of death is given as “police encounter”.

The committee has collected the following information about this case through its incident report form no. CCDP/01207. The main informant is the victim's father Channan Singh.

Twenty-one-year-old Gurwinder Singh, s/o Channan Singh and late Sukhwinder Kaur, was a resident of village Pheruman, near Wada Gurdwara, in Baba Bakala sub-division of Amritsar district. His father Channan Singh had retired from the Indian army and then became the secretary of the cooperative society in his village. Gurwinder's mother Sukhwinder Kaur had died in 1976 when Gurwinder was only five. His father raised him all by himself.

Gurwinder was a clean-shaven Sikh and was not particularly religious in his temperament. He passed his higher secondary school examination from a school in Dhilwan to join a college at Sathiala for his bachelor's degree. Channan Singh, however, wanted his son to go abroad, to insulate him from the prevailing violent atmosphere in Punjab. He paid a hefty sum of money to an immigration agent who promised to get Gurwinder out to a foreign country. But the agent could only send him to Bangkok. Gurwinder was arrested there on the charges of entering the country illegally and deported back to Delhi. He went to stay with Swaran Singh, his uncle, an inspector with the BSF who lived on Ladowali road at Jalandhar.

Meanwhile, SHO Wassan Singh of Beas police station arrested Channan Singh from his house on 21 or 22 July 1992 and tortured him brutally to get information about Gurwinder's whereabouts. Channan Singh first tried to tell them that his son had gone abroad. But they already knew that he was living in Jalandhar and forced Channan Singh to reveal the address of his brother Swaran Singh, the BSF inspector. The same night, ASI Amrik Singh led a group of officers from Beas police station to raid Swaran Singh's house. He also took Channan Singh along and made him call out to his brother to open the doors. When Swaran Singh opened the door, ASI Amrik Singh asked him about Gurwinder and Swaran Singh admitted that he was sleeping inside. Gurwinder was taken into custody and brought back to Beas police station and locked up. Although SHO Wassan Singh was present at the police station, but no one interrogated Gurwinder.

Early morning on July 23, Gurwinder was taken out of the police station and sent somewhere in a police vehicle. Around 10 a.m. members of the village council came to the police station and persuaded the SHO to release Channan Singh. When asked about Gurwinder, he said that the DSP of Baba Bakala wanted him for interrogation. The members of the village council then went to the DSP, Baba Bakala, who told them that Gurwinder was under interrogation at Mall Mandi interrogation center. The next day again, the same group of village elders went back to the SHO of Beas police

station who declared that Gurwinder had been killed in an encounter and cremated at Durgiana Mandir cremation ground. He offered to give them a slip of paper permitting the family to collect the ashes.

The family members, together with the village elders, collected the ashes and carried out the last rites.

After the Supreme Court ordered an inquiry into the matter of illegal cremations, some CBI officials came to Channan Singh to record his statements. Soon thereafter, SHO Wassan Singh met Channan Singh and offered to pay him a large amount of money if he agreed to drop the case. Channan Singh refused. He told the CBI officers about the SHO's overtures. But the CBI officials do not appear to have taken any action in the matter.

398. Under serial no. 452/114, the list identifies the cremation of Kashmir Singh, s/o Kundan Singh, r/o Khiala, carried out by the Lopoke police on 28 July 1992 under FIR no. 90/92. The post-mortem report is marked as SPG/366/92. The cause of death is mentioned as “police encounter”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01418. The main informant is the victim's father Kundan Singh.

Twenty-five-year-old Kashmir Singh, s/o Kundan Singh and Amrik Kaur, was a resident of village Khiala Kalan, Khooh Doole Wala, under Lopoke police station, in Ajnala sub-division of Amritsar district. He was married to Manjinder Kaur and had two sons, Inderjit and Kulwinder, who are now 13 and 11.

After finishing his school, Kashmir Singh started working with his on 10 acres of land located on the outskirts of the village. Their house was situated next to the farmland and was, therefore, outside the main cluster of houses within the village. Many underground militants began visiting Kashmir Singh's house, demanding food and shelter. The family could not refuse because the militants were always armed.

When the police found out about the militants visits, they began to hold Kashmir Singh and his father Kundan Singh in custody for long periods, torturing and coercing them to get the militants arrested. In 1989, Kashmir Singh was formally arrested for the first time under TADA and detained for some time at Nabha jail. As soon as he came out of jail, the police implicated him in yet another criminal case and sent him back to jail. This happened the third and the fourth time also. Every time he was picked up outside the jail gates, the police tortured him before slapping yet another criminal charge on him.

Kashmir was fed up with this and left his home after telling his family that he was going to become a militant himself. The police then began to pick up and torture his family members.

On 27 July 1992, SHO Dharam Singh and a group of policemen under his command arrested Kashmir Singh together with Amrik Singh, s/o Swaran Singh, resident of Jajeani village, when they were walking towards village Kolowal. After arresting them, SHO Dharam Singh requisitioned a large force and enacted a fierce “encounter” at the end of which both Kashmir Singh and Amrik Singh had been killed. In the evening, some policemen took Kashmir Singh's mother Amrik Kaur to the site of the

encounter to identify the body of her son that was, however, not returned to the family. The police carried out the cremations at Durgiana Mandir cremation ground the next day. The family members and the village elders were allowed to be present during the cremation.

The CBI's list of identified cremations shows only one cremation of Kashmir Singh Under serial no. 452/114 whereas the police also killed Amrik Singh, s/o Swaran Singh, resident of Jajeani village, in the encounter. The second cremation is recorded in the CBI's list of unidentified cremations Under serial no. 453/268, carried out by the Lopoke police on 28 July 1992. The list does not show the FIR number. The post-mortem report of the unidentified body is marked as SPG/FM/365/92.

399. Under serial no. 456/117, the list identifies the on cremation of Dilbagh Singh, s/o Gurjinder Singh, r/o Bilowal, carried out on 4 August 1992 by Kathunangal police under FIR no. 60/92. The post-mortem report is marked as 818. The cause of death is given to be "police encounter".

The committee has collected the following information through its incident report form no. CCDP/01138. The main informant is the victim's brother Prem Singh.

Twenty-four-year-old Dilbagh Singh, s/o Gurjinder Singh and Kartar Kaur, from village Bhilowal, Sadhpure Wala Rah, under Kathu Nangal police station of Amritsar district, was the youngest of four brothers. The names of his older brothers are Sher Singh, Prem Singh and Kulwant Singh. Operation Blue Star in June 1984 left a deep imprint on young Dilbagh and he came under the influence of the strong militant reaction to the Indian army's action. The police treated Dilbagh Singh as a suspect and tortured him often in illegal custody. Dilbagh was fed up and left home.

On 31 July 1992, Dilbagh came to visit his family and his brother Kulwant Singh walked him to the bus stand to see him off. As soon as Kulwant returned home, SHO Balkar Singh of Kathu Nangal police station along with his team surrounded the house and took Kulwant back to the bus stand and arrested Dilbagh Singh. Kulwant was released but Dilbagh was taken to Mall Mandi police station for interrogation.

On 3 August 1992, Dilbagh Singh was declared killed in an "encounter" that was supposed to have taken place at Chawinda Devi near village Dhede. The family members were allowed to attend the cremation and collect the ashes.

Dilbagh Singh's mother died from grief one year after his death. Three years later, his sister-in-law Kashmir Kaur also died. According to the family members, she died from torture wounds that had also been inflicted on various members of her family.

400. Under serial no. 457/118, the list identifies the cremation of Acchar Singh, s/o Lal Singh, r/o Bindi Sahida, carried out on 7 August 1992 by Lopoke police under FIR no. 94/92. The post-mortem report is marked as LD/53/92 and the cause of death is given as "police encounter".

The CCDP has acquired the following information through its incident report form no. CCDP/01278. The main informant is the victim's uncle Anokh Singh.

Twenty-five-year-old Acchar Singh, s/o Lal Singh, was a resident of Bhindi Saida village, under Lopoke police station, in Ajnala sub-division of Amritsar district. His father, who did not own any land, died when he was very young. To survive, Achhar

Singh and two brothers started working as casual workers. They had two unmarried sisters. Later, Acchar Singh was married to Jagir Kaur and had a daughter Gurpreet Kaur, now 17, and a son Gur Iqbal Singh, now 10.

Bhindi Said is very close to the border with Pakistan and Achhar Singh began to carry goods for smugglers across the border and receive fixed payments for each consignment. He did this work only for money and had no political or militant connection. The BSF officials posted in the area knew about these activities and tolerated them for the benefit of information. Acchar Singh gave information to the BSF regularly.

On 24 February 1990, Acchar Singh helped the BSF inspector Surnam Singh and other senior officials confiscate a consignment of gold that was being smuggled into India near the border village of Toor Burj. The consignment consisted of 250 gold biscuits. But the BSF officials showed only 230 biscuits and distributed the value of the remaining biscuits among themselves. Also, they usurped the money — 10 per cent of the value of the confiscated good — that was released by the department as a reward to the informer. The first installment of reward money, Rs. 670,000, earmarked for Achhar Singh, was released by the department on 26 June 1990 and the second installment of Rs. 469,000 on 13 January 1991. Acchar Singh did not receive any of the money and began to demand his share from the concerned officers. This proved fatal for him.

In the midnight intervening 5 and 6 August 1992, SHO Dharam Singh of Lopoke police arrested Achhar Singh from his residence in the presence of his wife and other family members. The next morning, he was shown killed in an “encounter” near village Awan Lakha Singh. But the family found out about the killing many days later and could not even collect the ashes.

Amrik Singh, a farmer of village Madho Ke, pursued Achhar Singh’s case and found out that certain BSF officials had usurped a huge amount of money that had been released for him as the reward. Amrik Singh wrote to the higher authorities demanding a probe and suggesting that these BSF officials, together with policemen, killed Acchar Singh to cover up the whole matter.

It is not known what action the government has taken to determine the true facts about the allegation.

The committee received this information from Anokh Singh, s/o Pooran Singh, an uncle of Achhar Singh living at village Kolowal, post office Brar, within Ajnala sub-division of Amritsar district.

401. Under serial no. 467/119, the list identifies the cremation of Amrik Singh, s/o Swaran Singh, r/o Makhan Windi, carried out on 23 August 1992 by the Jandiala police under FIR no. 149/92. The post-mortem report is marked as ND/570/92 and the cause of death is mentioned as “police encounter”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01257. The main informant is the victim’s brother Jaswant Singh.

Thirty-seven-year-old Amrik Singh, son of Swaran Singh and Joginder Kaur, lived at village Makhan Windi, Tehd Wali Patti, under Jandiala Guru police station, in Amritsar. After finishing his school, Amrik joined a college and studied for two years for his bachelor’s degree when the police began to detain and interrogate him under

torture because of his association with the Sikh Students' Federation. Fed up with these harassments, Amrik gave up his studies and joined the ranks of militants. The police then started torturing his family members, picking up his father, brothers and brothers-in-law, detaining them illegally for months together and torturing them terribly for information. Amrik was also married to Mohanjit Kaur and had four children. The eldest daughter Amandeep Kaur is now 20. The three sons, Gurtaj, Dilawar and Charhat, are now 17, 16 and 10. Mohanjit Kaur and the children also suffered humiliation after Amrik went underground.

For some time, Amrik had been living the life of a fugitive. In the evening on 22 August 1992, Amrik, together with his associate Paramvir Singh, s/o Raghbir Singh, r/o Kotla under Kathu Nangal police station, visited the family to meet his sister for the Rakhi festival when sisters tie a thread around their brothers' wrists and receive presents. After the ceremony, as Amrik and his companion were leaving, going down a mud trail around his fields in village Makhan Windi, the SHO of Jandiala police station arrested them at a checkpost on that trail. The news of their arrest spread quickly in the village and a lot of people tried to reach the checkpost, but they were not allowed. One hour later, the police orchestrated an encounter and killed both Amrik and his companion Paramvir Singh. The next morning, the police took Amrik's mother to identify the bodies and, after the identification, took them away for the cremation. Amrik's family members were allowed to attend the cremation and collect the ashes.

The CBI's list of identified cremations only shows the cremation of Amrik Singh. The cremation of Paramvir Singh, s/o Raghbir Singh, r/o Kotla under Kathu Nangal police station, is listed as an unidentified one in the third list under the Serial no. 465/276. The entry shows that the Jandiala police cremated an unidentified body with the post-mortem report number ND/FM/570/92 on 23 August 1992.

402 – 405. Under serial nos. 471/122, 472/123, 473/124 and 474/125, the list identifies four cremations carried out by the SHO of Ajnala police station on 7 September 1992 under FIR no. 56/92. The names of cremated persons given in the list are: [1] Veeru, s/o Dilip Singh, r/o Dedpura; [2] Amrik Masih, s/o Rehmat Masih, r/o Nai Abadi; [3] Beera Singh, s/o Niranjana Singh, r/o Kandey Bala Khu; and [4] Bansa alias Kala, s/o Ram Singh, r/o Bichla-kill. The post-mortem reports are not marked. The cause of death is given to be "bullet injuries".

The committee has collected the following information about the person identified by the CBI's list as Bansa, through its incident report form no. CCDP/01662. His actual name was Harbans Lal, alias Hansa. The main informant is the victim's widow Jagir Kaur.

Thirty-two-year-old Harbans Lal, son of Ram Singh, was a poor Sansi Sikh agricultural worker from Harsha Chheena village, Bichla Killa, in Ajnala sub-division of Amritsar district. He was married to Jagir Kaur and was the father of two daughters and two sons.

The police suspected Harbans of being associated with militants, helping them with shelter and food. The police had arrested and interrogated him several times in the past. They had also registered a case under TADA against him. But Harbans managed to come out of jail on bail a few months later.

Jagir Kaur does not know when, where or how exactly her husband was taken into custody. But in the last week of August 1992, she received information that Harbans was under interrogation at the Ajnala police station and the Mall Mandi interrogation center at Amritsar. She claims to have received several messages through a police constable that her husband was facing brutal torture, but being a poor and illiterate woman, Jagir Kaur was unable to take any action.

On 7 September 1992, a Punjabi newspaper *Jagbani* published a report about the killing of four militants in an encounter with the Ajnala police near village Kotli. All the slain militants, including Harbans Singh, were identified by their names and the villages of their residence as following: [1] Beera Singh, s/o Niranjan Singh, r/o Kande Wala Khooh, Amritsar; [2] Beeru, s/o Dalip Singh, r/o Nawin Abadi, Amritsar; [3] Amrik Singh Masih, s/o Rehmat Singh Masih, r/o Nawin Abadi, Amritsar; and [4] Harbans Singh alias Kaka, s/o Ram Singh.

The police carried out the cremations without the families' knowledge.

406 - 407. Under serial nos. 475/126 and 479/127, the list identifies two cremations carried out by the Majitha police on 13 September 1992 under FIR no. 113/92. They are of [1] Lakhwinder Singh alias Lakha alias Ford, s/o Dharam Singh, r/o Sultan Wind; and [2] Baldev Singh alias Foji, s/o Buta Singh, r/o Basarke Baini. Baldev Singh's post-mortem report is marked as WD/599/92 and the cause of death is described as "police encounter".

The committee has acquired the following information about these cases through its incident report form no. CCDP/01268 and PCHR/439. The main informants in these cases are Baldev Singh's father Boota Singh and Lakhwinder Singh's mother Mohinder Kaur.

Twenty-five-year-old Baldev Singh, son of Boota Singh and Jagir Kaur, was a resident of Basarke Bhaini, Sunn Sahib Road, near Bibi Bhani Netarheen School at Chheharta in Amritsar.

His father Baldev Singh originally came from Wadala Kalan village near Baba Bakala. Since he did not own any agricultural land, he shifted his residence to his wife's village and began to make a living by plying a horse-cart. Baldev and Jagir Kaur had three daughters. Baldev was their only son and he completed his school education and then joined the 5 Sikh Regiment of the army as a soldier. Later, he got married, but did not have any children. His widow has since remarried. Baldev did not have any political or militant background, and had never been arrested or interrogated.

In August 1992, Baldev came home on two months of leave because his wife had fallen ill. His leave was to expire on 7 September 1992.

Around 10 p.m. on 4 September 1992, SHO Harbhajan Singh and SI Mohinder Singh Karicki from Chheharta police station led a large force to raid Baldev Singh's house. Some policemen climbed the roof from the houses of his neighbors Balkar Singh and Sadha Singh. Baldev Singh and his wife too had just come to the roof with the intention to sleep. Baldev Singh's parents were not home as they had gone to



Baldev Singh

visit their daughter at village Nangali. The policemen brought Baldev Singh down from the roof into the courtyard of his house and, even as the neighbors tried to ask why they were arresting Baldev Singh and where taking him, they drove away with him, without disclosing their destination.

Baldev's wife sent a message to Boota Singh at village Nangali who, along with his wife, came back and went to Chheharta police station to talk to the SHO. Some neighbors also accompanied him. The SHO refused to talk to them and ordered his staff to either throw them out of the police station or also lock them up. His attitude was so aggressive and threatening that no one dared to go back to him.

Boota Singh and his neighbors talked to some constables and continued to receive information about Baldev's whereabouts. From Chheharta police station, Baldev was first shifted to the police post Khasa and from there to B. R. Model School interrogation center and then to Majitha police station. Baldev Singh's family members were not allowed to meet him. But relatives of other illegally detained persons saw him at various police stations and kept informing Baldev's parents and wife about his situation. Boota Singh tried to contact politicians and other influential persons of his area, but failed to get any help.

On 14 September 1992, Punjabi newspapers carried a report about an "encounter" near village Sehnsra Kalan – Jagdev Kalan between a group of militants and the Majitha police in which two militants, Baldev Singh and Lakhwinder Singh, were killed.

According to a complaint filed by Lakhwinder Singh's mother Mohinder Kaur before the People's Commission for Human Rights Violations in Punjab in August 1996, the Majitha police kidnapped her son on 13 September 1992 from his rented house at Bhatha, Nangli Naushehra in Amritsar district. In her complaint, Mohinder Kaur mentions that the police had also taken away Surta Singh, the son of the landlord who had rented his house to Lakhwinder. Surta Singh was released the same day, but her son disappeared. The Majitha police refused to give her any information and she feared that her son Lakhwinder Singh might have been killed by the police in a fake encounter and his body disposed off as unclaimed.

Apparently, Lakhwinder's family members had not read the newspaper reports about the encounter which disclosed his and Baldev's killing on 13 September 1992.

On reading the news-report, Boota Singh and his wife Jagir Kaur were dumbfound and could not believe that their only son had been killed. They could not understand the reason or the purpose and in that state of shock were unable to do anything to get his ashes or to perform his rites. So, they have remained, bewildered, lost and without any succor. Baldev's wife went away to her parents' house after some time. Boota Singh is around 75-years-old, but still plies a horse-cart, to earn enough to support himself and his ailing wife.

After the CBI officers started their inquiries in the matter of illegal cremations in 1996, SHO Harbhajan Singh had Boota Singh detained again, several times, threatening him with serious consequences if he pursued his complaint, and proposing that they reach a compromise. The CBI officials, who visited him for their inquiry, assured Boota Singh that he would be protected and the guilty officials prosecuted. Promising to prepare their case for prosecution, they took away Baldev's identity card and other papers connected with the case, like copies of telegrams that Boota had sent to higher officials and the commanding officer of Baldev's regiment to seek their intervention. Several years have since passed, and Baldev Singh's parents are still

waiting to hear from either the CBI or the special court in Patiala about the progress in the investigation of their case.

408 – 410: Under serial nos. 480/128, 481/129 and 482/130, the list identifies three cremations carried out by SHO Rajinder Singh of Mehta police on 14 September 1992 under FIR no. 93/92. They are of: [1] Dalbir Singh alias Kala, s/o Kulwant Singh, r/o Palla, [2] Balwinder Singh, s/o Najar Singh, r/o Palla and [3] Shaib Singh, s/o Kahan Singh, r/o Ghunj. The post-mortem report numbers are not mentioned. The deaths are attributed to “bullet injuries”.

The committee has gathered the following information about these cases through its incident report form nos. CCDP/01184, 01185 and 01186. The main informants in these cases are Dalbir Singh’s mother Jagir Kaur, Balwinder Singh’s father Naajar Singh, and Sahib Singh’s father Jathedar Kahan Singh.

Twenty-three-year-old Dalbir Singh alias Kala, son of late Kulwant Singh and Jagir Kaur, and his slightly younger friend Balwinder Singh alias Bindi, son of Naajar Singh and Dhanti, were residents of village Pallah, post office Gagar Bhana, Bhangu Patti, under Mehta police station, in Baba Bakala sub-division of Amritsar district. After completing his school education, Dalbir joined the Punjab police as a constable. But he could not cope with the orders his superiors gave to torture and kill suspected militants in police custody. Dalbir resigned from the police service. Later, his family sent him to Durg city in Madhya Pradesh to live with a Sikh family that had moved there from Pallah village. Jagir Kaur was apprehensive that the police establishment may hold a grudge against him for quitting the service and, therefore, try to implicate him in some criminal case.

Balwinder Singh was from a devout Sikh family and was himself baptized. The situation in Punjab, especially in Amritsar, was very volatile around this time, and both the state agencies and the militant groups committed excesses, indiscriminate violence and human rights abuses. Naajar Singh did not want his son, an emotional person, to remain in Punjab and get sucked into the violent spiral of actions and reactions. So, he sent him away to a relative in Durg city in Madhya Pradesh where he acquired a driving license and became a truck driver. Balwinder was married to Raj Kaur, who has since remarried.

Eighteen-year-old Sahib Singh, s/o Kahan Singh and Gurmeet Kaur, was a resident of Choongh village, post office and police station Mehta, in Baba Bakala sub-division of Amritsar district. After finishing his school in 1986, Sahib Singh started helping his father with the agricultural work. In 1989, his grandfather Dharam Singh was abducted from his house by some unidentified persons, tortured and killed. His body was found abandoned some distance from his house. Even as the family tried to cope with this tragedy, the police started raiding the house and questioning various family members about their links with militant. Given these circumstances, Kahan Singh decided to send his son Sahib Singh away to Delhi where he began working as a truck driver in a transport company. Sahib Singh used to carry his



Balwinder Singh

consignments to many remote parts of India.

On 20 August 1992, the Madhya Pradesh police arrested Dalbir Singh, Balwinder Singh, Sahib Singh, Jasjit Singh, s/o Mangal Singh Mehra also of Pallah village, and Jaswant Singh, s/o Karam Singh from Saido Ke village under Mehta police station, from the house of Bachan Singh in Mohan Nagar area of Durg city. The police charged them with various criminal offences and sent them to Durg jail. Dalbir's mother Jagir Kaur came to know about these arrests from the relatives of Balwinder Singh in her village and immediately left for Durg.

The day after the news of these arrests in Madhya Pradesh spread because of the press publicity, police illegally detained Sahib Singh's father Kahan Singh and held him for the next three weeks at Ramdas police station. They released him after the Punjab police led by SHO Rajinder Singh of Mehta police station obtained police remand for the prisoners arrested in Madhya Pradesh and brought them back to Punjab on 10 September 1992, ostensibly to investigate their involvement with the militant movement within the state. .

Jagir Kaur traveled back to Punjab on the same train. At Amritsar police station, Dalbir Singh and the four other boys were blindfolded and taken away in police vehicles. On 14 September 1992, the Mehta police staged an "encounter" and killed Dalbir Singh, Balwinder Singh and Sahib Singh, claimed to be in their custody, and two other unidentified persons. The police claimed that they were taking the three prisoners to recover weapons when a group of militants attacked the police vehicle near village Dhardeo and all three prisoners in their custody and two other unidentified militants, belonging to the attacking group, were killed in the resulting exchange of fire. The next day, Punjabi newspapers gave a prominent display to the story of the encounter, based on a press release issued by SSP Paramjit Singh Gill of Majitha police station. The SSP identified Sahib Singh of Choong village as a lieutenant general of Khalistani Armed Force who carried the reward of Rs. 500,000 on his head and had been responsible for more than 500 incidents of murder, extortion, kidnapping and rape. According to Gill, Dalbir Singh and Balwinder Singh also carried awards of Rs. 100,000 each on their heads.

The police allowed the families to collect the ashes after they carried out the cremations on 14 September 1992.

The CBI's partially identified list of cremations, Under serial no. 484/70, records that on 14 September 1992 Mehta police cremated Kulwant Singh, s/o Charan Singh. The unidentified list, Under serial no. 483/282, shows yet another cremation under FIR no. 93/92.

411. Under serial no. 490/132, the list identifies the cremation of Harpal Singh alias Nikku, s/o Kashmir Singh, r/o Khela, carried out by head constable Beera Singh of Beas police station on 18 September 1992 under FIR no. 102/92. The post-mortem report is marked SPG/865/92 and the cause of death is given to be "bullet injuries".

The committee has collected the following information through its incident report form no. CCDP/01187. The main informants are Harpal's parents Major Singh, wrongly identified by the CBI's list as Kashmir Singh, and Shinder Kaur. The CBI's list also incorrectly identifies the name of the village as Khela.

Harpal Singh alias Nikku, son of Major Singh and Shinder Kaur, was a

15-year-old boy from village Pallah, post office Gagar Bhana, near gurdwara, under Mehta police station in Baba Bakala sub-division of Amritsar district. Harpal was a baptized Sikh and left school to work at his family farm. According to his parents, he had no connection with the militant movement and had never been arrested before this incident.

In the second week of September 1992, the Mehta police had arrested three Sikh boys resident of Pallah village at Durg city in Madhya Pradesh and had killed them in an encounter faked at village Dhardeo. They were; [1] Dalbir Singh, son of Kulwant Singh; [2] Balwinder Singh, son of Naajar Singh; and [3] Sahib Singh, son of Kahan Singh. The background of these killings and their cremations on 14 September 1992, listed in the CBI's list of identified cremations Under serial nos. 480/128, 481/129 and 482/130, have been separately narrated.

Early morning on 15 September 1992, a group of officers from Mehta police station raided Harpal Singh's house and arrested him while he was still sleeping. His father Major Singh and other relatives went to Mehta police station and unsuccessfully tried to speak with the SHO.

On 19 September 1992, several newspapers published a report, based on police sources, claiming that Harpal Singh Nikku, described as a militant, had been killed in an encounter with the police near village Nijher. The cremation was carried out without the family's knowledge.

412. Under serial no. 496/133, the list identifies the cremation of Baldev Singh, s/o Karam Singh, r/o Budala, carried out by the SHO of Lopoke police station on 22 September 1992 under FIR no. 106/92. There is no post-mortem report number. The cause of death is given as "bullet injuries".

The committee has gathered the following information through its incident report form no. CCDP/01164. The main informant in this case is the victim's wife Devinder Kaur.

Forty-year-old Baldev Singh, s/o Karam Singh and Gurbachan Kaur from Sukhewala village, post office Bundala under Jandiala Guru police station in Amritsar district, was an employee of the Punjab State Electricity Board. He was married to Devinder Kaur and had four daughters and a son. The eldest daughter Ranjit Kaur is now 22. The youngest son Gursewak Singh is 11.

Baldev's 22-year-old younger, unmarried brother Sarwan Singh was also employed by the Punjab Electricity Board and, in 1991, was posted at Tarn Taran. On 15 August 1991, Sarwan Singh was going on his bicycle to the house of his brother's in-laws at village Dugalwal near Tarn Taran to invite them for a family function when SHO Major Singh of Tarn Taran police arrested him near village Malmohari. People of that village knew Sarwan Singh and immediately sent a message to his family. His elder brother Malook Singh managed to meet Sarwan Singh at Tarn Taran's Sadar police station. The family members also met the SHO and SSP Narinder Pal Singh Gill of Majitha police district. Initially, they promised to release Sarwan Singh after they completed their investigations. A week later, they refused to see the family members and Sarwan Singh simply disappeared.

At this time, Baldev Singh was also arrested by Chheharta police and detained illegally for more than a month. The police released him after the village council

intervened and vouched for his character and antecedents. Baldev was not arrested or interrogated after this incident. Since he was posted in Amritsar city, Baldev Singh used to find it more convenient to live in the house of his in-laws at Moni Chowk, Chatiwind Gate, Amritsar.

On 17 September 1992, a group of police officers from Mall Mandi interrogation center raided his in-laws' house with the intention of arresting Baldev Singh who had gone to call on his parents and, therefore, was not home. The relatives told the officers that they could come back the next day since Baldev Singh was certain to return by then. Returning to Amritsar later that night, Baldev found out about the raid conducted by the Punjab police and stayed at home to talk to them whenever they returned.

On 18 September 1992, around 12:30 p.m. some officers of the Mall Mandi interrogation center led by Inspector Raghbir Singh Makhi came to the house and took Baldev Singh into their custody. All of the family members and neighbors witnessed his arrest. The inspector told them not to worry since Baldev was needed for questioning in a minor matter. The next day, the family members and several elders of the locality met the SHO and SSP Paramjit Singh Gill who repeated the promise to release him after his interrogation.

On 23 September 1992, the newspapers in Punjab published a report about the killing of Baldev Singh, along with another supposed militant Kewal Singh, in an "encounter" with the police near village Bhindi Aulakh within the Majitha police district. The report said that the police recovered one pistol and a revolver from the site of the incident.

After reading the news report, the family members approached the SSP again to request him to return the body for a religious cremation, but the SSP declined to do so.

The family members had no choice but to keep quiet. They could neither attend the cremation nor collect his ashes.

The second cremation, that of Kewal Singh, s/o Rama Issain, is listed in the CBI's list of partially identified cremations, Under serial no. 497/75. His story has been recounted in the appropriate section.

413 – 417. Under serial nos. 498/134, 499/135, 500/136, 501/137 and 502/138, the list identifies five cremations carried out by SI Mohan Singh of Majitha police on 25 September 1992. under FIR no. 115/92. They are of [1] Gurjit Singh, Ex. SPO, s/o Mohinder Singh, r/o Jaithunangal, Majitha; [2] Ashok Kumar alias Billa, s/o Baldev Raj Khatri, r/o Romanachak, Majitha; [3] Harmit Singh, alias Laddi, s/o Nirmal Singh, r/o Dadupura; [4] Ranjit Singh, alias Rana, s/o Dayal Singh, r/o Dadupura; and [5] Sarabjit Singh, s/o Bhajan Singh, r/o Chachowali. Gurjit Singh's post-mortem report is marked as GM/872/92; there are no other post-mortem report numbers, and the cause of death is given to be "bullet injuries".

The committee has gathered the following information about these cases through its incident report form nos. CCDP/01612, 01655, 01670, 01671 and 01667. The main informants are Gurjeet's father Mohinder Singh, Ashok Kumar's brother Chimanlal, Harmeet's brother Ranjit Singh, Ranjit's father Dial Singh and Sarabjit's father Bacchan Singh.

Twenty-five-year-old Gurjeet Singh, son of Mohinder Singh and Sukhwinder

Kaur, resident of Jethu Nangal, post office Dadu Pur, under Majitha police station in Amritsar district, had joined the Punjab police as an SPO after completing his higher secondary education. All of his three brothers were also constables with the Punjab police. Gurjeet was married, but his widow has since returned to her parents' house and does not wish to be named.

In 1990, when Gurjeet was posted at the police post at Naag Kalan, some militants killed a person in the village. Senior police officials suspected Gurjeet's involvement and tried to arrest him. Gurjeet deserted his post along with his rifle and went underground.

The Majitha police arrested Gurjeet's father Mohinder Singh and tortured him brutally for three weeks in illegal custody. He was then implicated in a criminal case under TADA and sent to jail. When Mohinder Singh was released on bail in February 1991, the Majitha police continued to torment him, his wife and his daughters ruthlessly. They regularly raided his house and confiscated all valuable household belongings. The police then demolished the roof of his house and also removed all the doors. Mohinder Singh and his family were thus compelled to seek refuge with relatives. Ultimately in early 1992, the Majitha police established a police post in what used to be Mohinder Singh's house.

Ironically, all three brothers of Gurjeet were still working for the Punjab police: [1] Daljit Singh was posted at Amritsar city; [2] Rajinder Singh was on duty at Kahangarh police post under Gharinda police station; and [3] Amarjit Singh was under training as a commando. When the police atrocities against their father Mohinder Singh became intolerable, all three brothers submitted medical leave and, absenting themselves from their duties, began to live with their parents and sisters in a rented flat.

In early September 1992, SSP Paramjit Singh Gill of Majitha police district asked Rajinder Singh to come and see him to discuss his family's situation. When Rajinder presented himself at the SSP's office on 3 September 1992, he was taken into custody by the SSP's body-guards. They took Rajinder to the Mall Mandi interrogation center and brutally tortured him. Rajinder managed to send some messages to his father, with help from his former colleagues, requesting him to negotiate his release with DSP Darshan Singh Mann, in-charge of the Mall Mandi interrogation center. But his father Mohinder Singh did not meet the DSP, primarily from fear that he might also get arrested and tortured.

Instead, Mohinder Singh sent telegrams to senior police officials, including K. L. Lekhi, DIG, Border Range, D. R. Bhatti, IG Border Range, and the deputy commissioner of Amritsar, narrating the sequence of events leading to Rajinder's arrest and beseeching them to intervene and rescue him from illegal custody.

His telegrams, however, were not acknowledged and no action was taken. Mohinder Singh then filed a petition, through advocate Navkiran Singh, before the High Court of Punjab and Haryana, praying for a writ of *habeas corpus* for Rajinder's production before the court. The high court appointed a warrant officer to search for Rajinder Singh at the Mall Mandi interrogation center. The senior police officials, however, found out about this move and removed Rajinder from the premises. SSP Gill of Majitha police district was very annoyed by this. Rajinder has since disappeared. Mohinder Singh suspects that he has been eliminated.

Ashok Kumar, son of Baldev Raj Sharma and Raj Rani, was a 24-year-old Hindu Khatri boy with a diploma in automobile mechanism and a resident of Rumana Chack,

post office Tarpai, under Majitha police station, in Amritsar district. Ashok Kumar was unmarried and ran an automobile repair garage.

Around 19 September 1992, the Majitha police raided Ashok Kumar's house to arrest him. Since Ashok was not home, the police carried out a thorough search of his house. Ashok found out about the police raid and, fearing arrest and torture, did not return home for some days. Meanwhile, Ashok's parents met the SSP of Majitha police district who asked them to produce their son for interrogation and guaranteed that he would not face any harm.

His father Baldev Raj was still trying to produce him before the police when on 24 September 1992, the police claimed to have killed Ashok Kumar along with four others in an encounter near village Bhaini.

Nineteen-year-old Harmeet Singh alias Laadi, son of Nirmal Singh and Surjit Kaur, resident of Dadu Pur village under Majitha police station in Amritsar district, had completed his higher secondary education and was hoping to join the army. Due to the disturbance in Punjab, Harmeet's father Nirmal Singh wanted to leave Punjab and with this intention had purchased some agricultural land in Bijnaur district of Uttar Pradesh. While Nirmal Singh used to spend much of his time developing his farm in Uttar Pradesh, Harmeet used to stay at his uncle's house in the village. According to his family members, he was not involved in militant activities and had never been arrested before this incident.

According to Harmeet's cousin, on 20 September 1992, Gurjeet Singh of Jethu Nangal village, a SPO who had gone underground in 1990, came to his house and took Harmeet and his friend Ranjit Singh, s/o Dayal Singh, along with him. Harmeet's cousin was not able to explain the circumstances in which Harmeet and his friend went with a man who was known to be wanted by the police.

Ranjit Singh alias Rana, son of Dayal Singh and Darshan Kaur, also a resident of village Dadu Pur, was a 19-year-old boy who had given up school to help his father with farming. Ranjit Singh mainly looked after the farm animals and helped sell dairy products. He was unmarried and, according to his family members, had no connection with the militant movement and had never been arrested before this incident. It is again not clear why Ranjit Singh went with Gurjeet.

Sarabjit Singh, alias Gujjar, son of Bachan Singh and Mohinder Kaur, resident of Chachowali village, post office Jaintipur, under Kathu Nangal police station in Amritsar district, is the fifth person in the present set of cases in the CBI's list. He was 17 and, along with his cousin Pradeep Singh, s/o Lakha Singh and resident of the same village, used to work at a textile factory at Verka town in Amritsar district. He was a baptized Sikh but, according to his father, had no links with the militant movement.

In the evening on 20 September 1992, Sarabjit and his cousin Pradeep were going to Verka railway station, after finishing the work at the factory, to take a local train to their village Chachowali when Sarabjit was kidnapped by a group of uniformed policemen in an unnumbered vehicle. The abduction was witnessed by Pradeep who was, however, not held. Pradeep rushed home and narrated the incident to Sarabjit's father. The police vehicle, after Sarabjit's abduction, had driven in the direction of Amritsar city.

The next morning, Sarabjit's father and several village elders went to Kathu Nangal police station to ask about Sarabjit Singh. SHO Darshan Singh said that they had not arrested him. Bachan Singh and his companions then went to several other

police stations in the city of Amritsar, but were unable to trace.

On 25 September 1992, several Punjabi newspapers prominently reported an encounter near village Tarsikka under Mehta police station in which the police claimed to have killed five militants including Sarabjit Singh. The report also carried a photograph of the slain militants and Bachan Singh and his family members recognized Sarabjit's body. They went to Mehta police station and learnt that the police had already carried out the cremations.

Harmeet's family members went to village Bhainian to speak to those who had witnessed the reported encounter. They found out that a large police force surrounded the house in which Gurjeet Singh, Ashok Kumar, Harmeet and Ranjit and Sarabjit had temporarily taken shelter. The police force immediately launched an attack on the house, accompanied by heavy firing. Harmeet tried to escape from the house by jumping down from the roof of the house. He was arrested in a wounded condition, interrogated for a while and then killed. Others reportedly died inside the house.

Gurjeet's family continued to suffer harassment and atrocities even after his killing in this encounter. His elder brother Rajinder had already disappeared. The Majitha police continued to occupy his father's house till the middle of 1994. Mohinder was again taken into custody from his in-laws house in village Guru Ki Wadali and tortured under interrogation for several days at Majitha police station. A case under the Arms Act, under FIR no. 11/94, was registered against him and he was sent to jail although he had already acquired an anticipatory bail order from the high court through lawyer Ranjan Lakhnpal in Chandigarh.

Mohinder Singh placed the record of atrocities suffered by his family before the CBI officers when they started their inquiries into the matter of illegal cremations on the directions from the Supreme Court. Two CBI officers, Mr. Fakkar and Mr. Ajit Singh, also visited Mohinder Singh at his house. They recorded his statements and collected the evidence of copies of petitions and telegrams and newspaper clippings and took those with them. But Mohinder Singh has not heard about any follow up in the matter. The police have not returned all his household belongings, which they had confiscated earlier.

418. Under serial no. 505/139, the list identifies the cremation of Baljinder Singh alias Budhu, s/o Sardool Singh, r/o Kathunangal, carried out by the SHO of Jandiala police station on 26 September 1992 under FIR no. 163/92. There is no post-mortem report number. The cause of death is given as "bullet injuries".

The committee has gathered the following information through its incident report form no. CCDP/01321. The main informant in this case is the victim's brother Jaswinder Singh.

Twenty-one-year-old Baljinder Singh alias Buddhu, son of Sardool Singh and Gurmeet Kaur, from Kathu Nangal, Dhola Patti, near Punjab National Bank in Amritsar, was the eldest of four brothers and had joined his father's agricultural work after completing his school education in 1987. According to his father, Baljinder had no links with political or militant associations and had never been arrested. Baljinder was unmarried.

On 21 September 1992, Baljinder went to Amritsar city to purchase some spare

parts for his tractor. After shopping, on his journey back to his village, as he was getting off the bus at the village bus stand, ASI Amrik Singh and some constables with him took Baljinder into custody. The family did not learn about his arrest that evening and became very worried when Baljinder did not return home that night. The next morning, a man who runs a tea-stall at the bus stand and had witnessed the arrest, informed the family about Baljinder's arrest by ASI Amrik Singh of Kathu Nangal police. Some hours later, Sardool Singh, together with other villagers, went to Kathu Nangal police station but was unable to meet him. He returned to the police station in the evening and met the SHO along with someone known to him. The SHO said that he would release Baljinder Singh on September 26. The person who had set up their meeting with the SHO men asked for Rs. 50,000 as a bribe for the SHO. This was too much of money for Sardool Singh to raise, but he promised to try. Thereafter, the police allowed Sardool Singh to send some refreshments and tea for his son.

On September 23, Baljinder was transferred to Mall Mandi interrogation center and, later that evening, around 4 p.m. the police brought him to the village in a police van to assist in a search operation. A large number of villagers gathered around the van and saw Baljinder who was not allowed to get down. The search did not lead to the recovery of anything incriminating. In between, the policemen kept asking Baljinder to tell them where he had hidden the weapons. But Baljinder said that he had none and had not hidden them anywhere. After some time, the police left with Baljinder Singh.

The SHO had promised to release Baljinder on September 26 and Sardool Singh spent the whole day searching unsuccessfully for the middleman who had arranged the deal and to whom he wanted to give some money.

On 27 September 1992, several newspapers in Punjab published a story about an encounter near village Bhania under Jandiala police station in which Baljinder Singh alias Buddhu, a known militant, was reported killed. After reading the news story, Sardool Singh and his relatives went to Kathu Nangal police station and asked the SHO about his promise. The SHO said that it was not within his power to save his life, but he would help the family to collect the ashes.

Sardool Singh and other family members collected the ashes from Durgiana Mandir cremation ground.

According to Sardool Singh, some CBI officials visited him in 1996 and took down his statements. They promised to initiate action and punish the persons responsible for Baljinder's abduction and elimination in a fake encounter. Sardool Singh, however, has not heard about any action so far.

419 – 421. Under serial nos. 506/140, 507/141 and 509/142, the list identifies three cremations carried out by ASI Ranjit Singh of Jandiala police under FIR no. 164/92 on 27 September 1992. The cremated persons are: [1] Jounga Singh, s/o Dayal Singh, Lakhantappa; [2] Hardeep Singh, alias Bagicha, s/o Gajjan Singh, r/o Bath; and [3] Gurnam Singh, s/o Swaran Singh, r/o Kala Bakra. The post-mortem reports are marked as FM/630/92 - 26.9.1992, GM/878/92 and FM/629/92 – 26.9.1992. The deaths are attributed to “bullet injuries”.

The committee has gathered the following information about Hardeep Singh

through its incident report form no. CCDP/01657. The main informant in this case is Hardeep Singh's father Gajjan Singh.

Twenty-two-year-old Hardeep Singh, son of Gajjan Singh, resident of Baath village under Tarn Taran's Sadar police station was an unmarried young Sikh who became associated with the militant movement after his matriculation. The police had picked him for interrogation a number of times while he was still in school. After completing his matriculation in 1990, Hardeep left home and went underground.

The Jandiala Guru police from Amritsar began to regularly arrest Hardeep's parents and his brothers to coerce them to produce him before the police. But they did not know of his whereabouts and continued to suffer illegal detention and torture under interrogation. The process continued until 27 September 1992 when the Punjabi newspapers reported an encounter near village Jabbowal under Jandiala Guru police station in which four militants, including Hardeep Singh, were reported killed. The report identified Hardeep Singh as Bagicha Singh, mentioning his village as Baath. The other three were identified only by their names, Jagga Singh, Gurnam Singh and Heera Singh alias Nimma.

Hardeep's family members were not informed about the incident and the cremation was carried out without their knowledge.

The CBI's list of identified cremations records two others cremations of Jounga Singh, s/o Dayal Singh of Lakhantappa village and of Gurnam Singh, s/o Swaran Singh, r/o Kala Bakra, carried out by the Jandiala police on 27 September 1992. The cremation of Heera Singh carried out on the same day and under the same FIR is mentioned in the CBI's list of partially identified cremations, Under serial no. 508/77, with post-mortem report number GM/879/92. The actual identities of these persons remain a mystery. The committee members discovered at village Lakhan Tappa that no one by the name of Jagga Singh or Jounga Singh, s/o Dayal Singh had been killed or disappeared in the period of unrest in Punjab. The CCDP members also discovered that there was no village with the name of Kala Bakra, identified by the list as Gurnam's village, in the entire district of Amritsar. It is also not clear how the CBI got the name of Heera Singh, whose cremation is recorded in the list of those partially identified, but failed to find out other particulars likely to complete his identity.

422. Under serial no. 515/143, the list identifies the cremation of Bhupinder Singh, s/o Beera Singh, r/o Khande, carried out by ASI Bahadur Singh of Majitha police station on 3 October 1992 under the FIR no. 108/92. There is no mention of the post-mortem report number. The cause of death is given as "bullet injuries".

The CCDP has acquired the following information about this case through its incident report form no. CCDP/01489. The main informant in this case is the victim's mother Kashmir Kaur.

Twenty-three-year-old Bhupinder Singh, s/o Raghbir Singh alias Bira and Kashmir Kaur, from village Thande, post office Jwala Flour Mill, under Sadar police station of Amritsar district, was, like his elder brother



Lakhwinder Singh, a constable with the Punjab police. Their father Raghbir Singh was a small farmer and had managed to educate his two sons despite great difficulties.

In 1991, Bhupinder Singh decided to quit the police service out of fear of reprisal from militant groups that had been targeting the families of police personnel for murderous attacks. The police establishment misunderstood his decision and began to suspect his connection with militant groups. The police raided his house and wanted to arrest him. But Bhupinder did not want to suffer torture and slipped away.

The police started to harass Bhupinder's relatives picking up his father Raghbir Singh for interrogation under torture. The village council members intervened a few times and rescued him from Amritsar's Sadar police station. But the raids continued and on 20 August 1991, Raghbir Singh was again taken into custody and disappeared. The police atrocities did not cease and the police also illegally detained and humiliated Kashmir Kaur at B. R. Model School interrogation center. The police also arrested her elder son Lakhwinder Singh and implicated him in a criminal case.

On 3 October 1992, Kashmir Kaur read a newspaper report stating that a militant known as Bhupinder Singh Bhinda from Thande village was killed by the police as he tried to escape arrest when nabbed in a bus near village Umranangal. According to an eyewitness who was traveling in the same bus – PB-12-9022 — from Amritsar to Jalandhar, Bhupinder was arrested from the bus after a police informer identified him. The police killed him later and concocted the story about his attempt to escape.

The police carried out the cremation at Durgiana Mandir cremation ground without informing the family, who could not even collect the ashes.

423. Under serial no. 521/144, the list identifies the cremation of Sarwan Singh, s/o Gurbakhsh Singh, r/o Tarpur, carried out on 18 October 1992 by SHO Dilbagh Singh of Jandiala police under FIR no. 169/92. There is no post-mortem report number and the cause of death is given as “bullet injuries”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01223. The main informant in this case is the victim's brother Tarsem Singh.

Eighteen-year-old Sarwan Singh, s/o late Gurbakhsh Singh and Shindo, was a young farmer and used to recite the *Guru Granth Sahib* at religious functions. He came from Tarpur village, post office Bhatti Ke under Mattewal Chogawan police station in Baba Bakala sub-division of Amritsar district. Sarwan and his elder brother Tarsem Singh had been raised by their mother after their father died when they were still young. Sarwan Singh finished school and started helping his elder brother in farming. As a baptized Sikh, he had also received religious education, especially in the ceremonial reading of the Sikh scriptures. Sarwan Singh used to get invitations to recite the scripture at religious functions, usually for a fee. This used to supplement the family income.

In September 1992, the SHO of Mehta police station raided Sarwan Singh's house to arrest him. Sarwan Singh was not home at that time. The police picked up his elder brother and tortured him in custody. The police wanted Sarwan to surrender, but he feared torture and kept away.

On 17 October 1992, Sarwan Singh was arrested following a combing operation of Devidaspur village, conducted under the supervision of SP (operations)

H. R. Banga, DSP Darshan Singh Mann of Baba Bakala and SHO Uddham Singh of Jandiala Guru police station. The police picked up Sarwan from the house where he was hiding and brutally thrashed him on the spot. After he lost consciousness, the police took him away and declared him killed in an encounter in the neighboring village of Gadili. The family found out about his killing through a newspaper report, based on SSP Paramjit Singh Gill's press briefing, that appeared on 18 October 1992. The report said that a militant Sarwan Singh, who was on the run, opened fire on the police force engaged in conducting the combing operation and was killed in the retaliatory firing. SSP Gill identified him as "area commander of Dashmesh Regiment" responsible for many terrorist crimes.

The family was unable to attend the cremation. But the family members visited the house where the police arrested Sarwan and talked to an old lady and several neighbors who confirmed that the police had killed Sarwan Singh after capturing him.

Sarwan Singh's brother Tarsem Singh told us that the Punjab police also arrested and killed his cousin Balwinder Singh, s/o Santokh Singh of Chogawan village.

424 – 425: Under serial nos. 525/145 and 526/146, the list identifies two cremations carried out by ASI Gurmej Singh of Ramdas police on 31 October 1992. They are of: [1] Tarsem Ram alias Seema, s/o Meju, r/o Bhourwala and [2] Anokh Singh, s/o Banta Singh, r/o Bindi Sohian. There are no FIR and post-mortem report numbers. The cause of death is given to be "accident".

The committee has acquired the following information through its incident report form no. CCDP/01313 and 01601. The main informants are Tarsem Lal's brother Gurpreet Singh and Anokh Singh's father Banta Singh.

Thirty-six-year-old Tarsem Lal, s/o Meju Ram and Bilaso, was from village Boharwala, post office Mohan Bhandarian, under Ramdas police station, in Ajnala sub-division of Amritsar district. A Sansi Sikh, Tarsem Lal used to ply a *tonga* for his livelihood. He was married to Amarjit Kaur and was the father of three sons and a daughter. The eldest son Jagtar Singh is now 22. The daughter Balpreet Kaur, being the youngest, is 12.

According to his brother Gurpreet Singh, our main informant in this case, Ramdas police had illegally arrested Tarsem many times, and tortured him brutally under the suspicion that he maintained links with militants. Tarsem, finally fed up and unable to endure the custodial abuses any longer, left home.

The police began to pick up other members of the family and torture them for information about Tarsem's whereabouts. The family, however, had no information.

Thirty-year-old Anokh Singh, son of Banta Singh and Lal Devi, was a resident of village Bhindi Saida, under Lopoke police station, in Ajnala sub-division of Amritsar district. Anokh Singh was married to Beero and had two daughters, Karam Kaur and Nanki, who are now 12 and 11. Anokh Singh and his four brothers earned their livelihood as laborers. Their father did not own any land. Anokh was clean-shaven and was not particularly religious. Anokh Singh had been arrested once in 1988 in connection with a case of theft. Otherwise, the police did not suspect him of links with the militant underground.

According to Anokh Singh's family members, one day in early 1992, Anokh Singh left his house without informing anyone. Fearing that the police may have

arrested him, they searched for him without success at various police stations. Eventually, because of their poor financial condition, the family had to give up the search. The police never came to their house to make any inquiries. They also did not know about Anokh Singh's cremation on 31 October 1992 at Durgiana Mandir until the CCDP members told them about it.

The information available from Tarsem Lal's family suggests that Anokh Singh and Tarsem were arrested together in Jammu in September 1992 and were lodged at Jammu interrogation center. From there, Tarsem Lal managed to send a message to his family. Fifteen days after receiving the message, Tarsem Lal's brothers Gurdeep and Sukhwinder, along with Appar Singh, former head of the village council, visited him at the Jammu interrogation center.

Gurdeep, along with Anokh Singh's father, went to the interrogation center again on 28 October 1992. The officers there told them that Tarsem and his associate Anokh Singh had been taken to Amritsar for investigations by Ramdas police. They came back and together with several members of the village council of Boharwal met SHO Gopal Singh of Ramdas police station on 30 October 1992. The SHO denied having them in his custody. The police had already killed them in an orchestrated accident, reported by newspapers on 31 October 1992. The newspaper reports said that the Majitha police were taking two militants, Tarsem Lal and Anokh Singh, for the recovery of weapons when the vehicle in which they were traveling met with an accident near Ramdas, killing both of them.

After reading the news reports, the families rushed to Durgiana Mandir cremation ground at Amritsar. The pyres of Tarsem Lal and Anokh Singh were already burning. Two days later, the families returned and collected the ashes.

Tarsem's brother Gurdeep told The committee members that, sometime in 1996, CBI officers came and recorded their statements. They had promised action against the guilty police officials, but they have not heard about the initiation of any action so far.

426 – 427: Under serial no. 530/147 and 531/148, the list identifies two cremations carried out by SHO of Lopoke police station on 2 November 1992 under FIR no. 132/92. They are of: [1] Malkait Singh alias Babu, s/o Sardool Singh, r/o Pandori Romana, Jhabbal; and [2] Gurmeet Kaur, d/o Manga Singh, Pandori, Tatamal, Jhabbal. There are no post-mortem report numbers. The cause of death in both cases is given as “bullet injuries”.

The committee has gathered the following information about these cases through its incident report form no. CCDP/01239 and 01240. Sardool Singh, father of Malkeet Singh, and Gurmeet's mother Balwinder Kaur are the main informants in these cases:

Twenty-five-year-old Malkeet Singh alias Meeta, son of Sardool Singh and Surjit Kaur, lived in village Pandori Rumana, post office Pandori Takhat Mall under police station Jhabbal, in Tarn Taran sub-division of Amritsar district.

Malkeet Singh used to work as a constable with the Home Guard. He quit the service because Sikh militant groups had been killing the family members of the security forces personnel. Later, he even became influenced by the militant movement and started interacting with persons connected with it. The police found out and began to raid his house to arrest him. Malkeet deserted home to join the ranks of

the militant underground. The police began to hound his relatives, picking up his father and brothers and detaining them in illegal custody for days together.

On 30 October 1992, the police arrested Malkeet from village Jasarahoor under Lopokey police station and brought him to his village to help the police search his house and the fields for weapons. His family members and other residents of the village saw Malkeet Singh in police custody. The officers did not divulge their identities nor disclose where they had come from. The family members did not persist in their inquiries because of the police terror at the time. After conducting the search operation in the village, the police left with Malkeet. They also confiscated all household items and even carried away eight quintals of wheat stored in the farmhouse.

In the night intervening October 31 and November 1, Malkeet was killed in an “encounter” staged near village Kotli. A report about the “encounter” that appeared in several papers on 3 November 1992, disclosed that Gurmeet Kaur, daughter of Mehnga Singh, from Pandori Takhat Mall, was also killed in the same encounter.

Gurmeet Kaur (18), was the daughter of Mehnga Singh and Balwinder Kaur from Pandori Takhat Mall village under Jhabbal police station in Tarn Taran sub-division of Amritsar district. A school student, Gurmeet was preparing for the matriculation examination at the time of her disappearance in October 1992.

In 1991, Balwinder Kaur’s elder brother Malkeet Singh, an SPO with the Punjab police, was killed by some unidentified militants in village Bagarian. In October 1992, Malkeet Singh, s/o Sardool Singh from the neighboring village, came to Gurmeet’s house and requested her parents to let her help him escape the police dragnet. He wanted her to accompany him. Her parents had no choice and let Gurmeet go. But, from the fear of a police reaction, they left the village and began to temporarily live in the city.

On 3 November 1992, Mehnga Singh and Balwinder Kaur read a newspaper story which reported the killing of Gurmeet Kaur along with Malkeet Singh in an alleged encounter with the police. The family was so scared of the police that it did not even attempt to collect her ashes. Later, they found out that Malkeet Singh had been arrested and taken to his village house for a search operation. This indicated that both Malkeet and Gurmeet had been killed in police custody and the story of the “encounter”, as in most such cases, was concocted.

428 – 429: Under serial nos. 539/150 and 540/151, the list identifies two cremations under FIR no. 178/92 carried out by the Khilchian and the Jandiala police on 17 November 1992. They are of: [1] Sahib Singh alias Chapni, s/o Pyara Singh, r/o Kaleke; and [2] Jaswant Singh alias Jassa, s/o Dilip Singh, r/o Kalike. The list does not give post-mortem report numbers. The cause of death for Sahib Singh is given as “bullet injuries” and the cause of death for Jaswant Singh is “police encounter”.

The committee has acquired the following information about these cases through its incident report form no. CCDP/0374 and 01208. Piar Kaur alias Phinno, mother of Sahib Singh, and Charan Kaur, mother of Jaswant Singh, are the committee’s main informants in these cases.

Jaswant Singh, also known as Jassa, was 21 and the son of Dalip Singh, a driver in the water supply department, and Charan Kaur. They lived in Khetal Di Patti

in village Kale Ke under police station Khalchian in Baba Bakala sub-division of Amritsar district.

Jaswant Singh was a good sportsman in his school and excelled in *kabaddi*. After his matriculation, Jaswant was recruited as a guard by the water supply department where his father worked as a driver. He did not have any political or militant background. He had never been arrested or interrogated by the police. Jaswant was unmarried.

On 8 November 1992 evening, around 4:30 p.m. Jaswant was taking a bath at the hand pump in the courtyard of his house. It was a Sunday, and his father Dalip Singh was also at home. Suddenly, six constables led by the SHO of Khalchian police station entered the courtyard from the neighboring house that belonged to Dalip Singh's elder brother. The SHO asked Jaswant Singh for his name and then asked him to get dressed. Jaswant was taken away in a police vehicle in front of many villagers who became curious on seeing the police and had gathered outside the house.

The same evening, Dalip Singh, along with some villagers, went to Khalchian police station. But the SHO denied having Jaswant in his custody. Dalip Singh, other family members and their sympathizers spent the next week looking for Jaswant in various police stations of the district in vain.

Three days after the arrest of Jaswant Singh, SHO Satwant Singh of Khalchian police station raided the house of Sahib Singh, a resident of the same village, Kale Ke. The police planned to arrest Sahib Singh, but he was not home.

Twenty-seven-year-old Sahib Singh, s/o Piara Singh and Piar Kaur, was employed with the Punjab State Electricity Board. He was married to Rajwinder Kaur and had a daughter Navjot Kaur, who is now 11. A clean-shaven Sikh, Sahib Singh was not particularly religious and had no political or militant background. He had never been arrested or interrogated.

The sudden police raids of Sahib Singh's house were linked to the arrest and interrogation of Jaswant Singh. Sahib Singh panicked and kept away from the house. On 14 November 1992, SHO Satwant Singh arrested his father Piara Singh, and the next day, the police arrested all his four brothers-in-law, husbands of his four sisters. They are: [1] Swaran Singh, r/o Pheithara village in Tarn Taran; [2] Harbhajan Singh of Jhabbal village; [3] Bohar Singh Laiyan of Tarn Taran; and [4] Nirmal Singh Nawanpind of Bundala village in Amritsar. After arresting them, SHO Satwant Singh released Piara Singh on the condition that he would locate and produce his son Sahib Singh. Otherwise, he threatened to be "very harsh" to his sons-in-law, now in his custody. It is not clear how the police arrested Sahib Singh, but the same evening the Khalchian police came with Sahib Singh to search his house. His sister Sukhwinder Kaur and other relatives who saw him in police custody noticed that he had been badly tortured. He could not walk and his arms were also limp. He wanted a glass of water, but could not drink it himself. His sister had to help him. Many in the village witnessed the search operation.

The SHO released Sahib Singh's brothers-in-law from illegal custody the next morning, but arrested Laadi, s/o Gurmeet Singh of Kaleke village, and Manjit Singh of Sudhar village near Kale Ke.

On 18 November 1992, newspaper reports highlighted an "encounter" that supposedly occurred at a police checkpost, set up by Khalchian police, between Dhulka

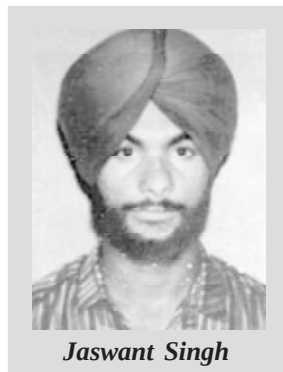
and Bania villages. According to the story, the police challenged four persons who were walking towards the checkpoint to stop and be frisked. But these persons opened fire and got killed in the retaliatory action. The militants were identified as Jaswant Singh, Sahib Singh and Laadi of village Kale Ke and Manjit Singh of village Sudhar.

After reading the newspaper report, the family members went to Khalchian police station where the police informed them that they had already cremated the four men at Durgiana Mandir cremation ground and the families could collect their ashes. When the families went to the cremation ground, the attendants directed them to a single pyre on which all four had been cremated together. The four families distributed the ashes among themselves.

In spite of the fact that the newspaper reports, based on a police handout, identified all four killed in the encounter, the CBI's list identifies only the cremations of Sahib Singh and Jaswant Singh. The other two cremations, carried out by Khalchian police under FIR no. 178/92 on 17 November 1992, are recorded in the CBI's list of unidentified cremations Under serial nos. 537/304 and 538/305 with post-mortem report numbers GM/953/92 and GM/952/92.

After the killing of Jaswant Singh, his father Dalip Singh twice attempted to commit suicide by taking poison. He became a patient of insomnia and was under medical treatment. He used to often cry remembering his son 'Jassa', saying he wanted to join him in heaven. One day, he went to the tube-well room in his fields and was found dead there by his family later. He had been electrocuted. The family suspects that Dalip Singh committed suicide.

The CBI officials visited these families a number of times after the Supreme Court ordered an inquiry into the matter of illegal cremations. They also called Jaswant Singh's mother Charan Kaur to Delhi and told her that they intended to prosecute the guilty officials. But nothing has happened in the case. Every time the CBI officials came to the village for making inquiries, former SHO Satwant Singh used to follow their trail and threaten potential witnesses with serious consequences if they deposed against him. He even called Piara Singh, Sahib Singh's father, to the village police post and told him not to make statements against him to the CBI. Some months after receiving these threats, Piara Singh, who had become very ill after his son's killing, also died.



Jaswant Singh

430 – 431: Under serial nos. 552/152 and 554/153, the list identifies two cremations carried out by SHO Satwant Singh of Khilchian police station on 26 December 1992, under FIR no. 187/92. They are of: [1] Lakhwinder Singh alias Bohra, s/o Surinder Singh, r/o Chajjiwadi; and [2] Tarsem Singh alias Kala, s/o Gurdalay Singh, r/o Muchal. The post-mortem report numbers are not given and the cause of death is given as “encounter”.

The committee has gathered the following information about these cases through its incident report form no. CCDP/01505 and 01676. The main informants are Tarsem's

brother Lakhwinder Singh and Lakhwinder's brother Sukhdev Singh.

Thirty-year-old Lakhwinder Singh alias Lakha, son of Surinder Singh and Amar Kaur, was a resident of Chhajjal Wadhi village, Patti Baggu Ki, under Khalchian police station, in Baba Bakala sub-division of Amritsar district. After completing his matriculation in 1986, Lakhwinder was employed as a watchman by the Food Corporation of India, but was suspended from the service on the ground of negligence of duty after some months. Lakhwinder then applied for a job with the Punjab police and was recruited as an SPO.

In 1988, Lakhwinder was suspected of being involved in a murder case in Shahjahanpur, a village under Katar police station, in Uttar Pradesh, when he was visiting that village. The Uttar Pradesh police raided Lakhwinder's house in his native village to arrest him for an interrogation. But Lakhwinder dodged his arrest and went underground. Jandiala police, recognizing that Lakhwinder was absconding, confiscated all of the belongings of his father's house to coerce him to produce Lakhwinder before the police. But Surinder Singh was unable to trace his son and continued to suffer police torture. The police also did not allow Surinder Singh to cultivate his land for nearly five years. The police arrested his elder son Basant Singh and, after torturing him under interrogation lasting more than 10 days, implicated him in a case under TADA. Meanwhile, Lakhwinder had apparently become used to his life as a fugitive and even got married to Harpal Kaur with whom he had a daughter.

Sixteen-year-old Tarsem Singh, son of Gurdial Singh and Kashmir Kaur, was a resident of Muchhal village, Patti Gillan Di, under Khalchian police station, in Baba Bakala sub-division of Amritsar district. The second of Gurdial's three sons, Tarsem did not attend school and worked on his farm. He was unmarried.

Gurdial's house was built on his farmland, a little outside the main village. During the period of troubles in Punjab, militants would often come to the house for food and shelter and Tarsem's family had no choice but to fulfill their demands. There were no policemen around at nights when armed militants came to seek food and shelter. The policemen only harassed the families later in the daytime.

According to his brother, a few militants led by Lakhwinder Singh of Chhajjal Wadhi village, reasonably well-known in the area, came to Tarsem Singh's house on 22 December 1992 and abducted Tarsem Singh under the pretext of taking him along to help with some shopping at the local grocery store. Tarsem did not return home. Tarsem Singh's family immediately notified the head of the village council who in turn sent a report to SHO Satwant Singh of Khalchian police station. The SHO counseled the family members to secure Tarsem's release on their own and not involve the police. He promised to help in locating him discreetly.

On 25 December 1992, the Khalchian police, led by SHO Satwant Singh, were able to surround Lakhwinder Singh, his wife Harpal Kaur, their six-month-old daughter and Tarsem Singh when they were cycling through the fields near village Dhoolka. The police shot all of them down and announced the incident as an encounter. Several newspaper reports that appeared the following day, identified Tarsem Singh, Lakhwinder Singh and Harpal Kaur by their names as militants who had been killed in a police action. The killing of the six-month-old girl was not reported.

The CBI's identified list shows the cremations of only Lakhwinder Singh and Tarsem Singh. Harpal Kaur's cremation is recorded in the CBI's list of partially

identified cremations Under serial no. 553/88. Her daughter's cremation is not recorded in any of the lists.

432 – 433: Under serial nos. 557/154 and 558/155, the list identifies two cremations carried out by the SHO of Ajnala police station, under FIR no. 96/92, on 30 December 1992. They are of: [1] Daljit Singh, s/o Kashmir Singh, r/o Khiala; and [2] Jagir Singh, s/o Thakur Singh, r/o Awan Lakha Singh. There are no post-mortem report numbers. The cause of death is mentioned as “encounter”.

The committee has acquired the following information about these cases through its incident report form no. CCDP/01419. Kashmir Singh, father of Daljit Singh, is the main informant in this case.

Daljit Singh was a 20-year-old *Mazhabi* Sikh boy from village Khiala Khurd, post office Khiala Kalan under Lopoke police station in Ajnala sub-division of Amritsar district. Daljit had two older brothers, Rajwant Singh and Baljit Singh, and, together, they ran a dairy farm that yielded a good income. Their father Kashmir Singh was a landless farmer and had raised them doing manual labor. He and his wife Sawinder Kaur had led a hard life. But they were now happy knowing that their sons were doing reasonably well and would be able to take care of them in their old age.

Their happiness did not last long. Around 7 p.m. on 13 December 1992, SHO Dharam Singh and his police force raided Daljit's house and in his absence, arrested his father Kashmir Singh and his brothers Rajwant Singh and Baljit Singh. The Lopoke police brutally tortured Kashmir to get information about Daljit's whereabouts. Daljit was arrested the same night from the house of Dalbir Kaur, a resident of Navin Abadi near Ratan Singh Chowk in Amritsar, and brought to Lopoke police station where SHO Dharam Singh had him tortured brutally until the early hours of the next morning.

The next morning, the police released Daljit's brothers Rajwant Singh and Baljit Singh. The police did not release their father because of his critical condition following his torture. Kashmir Singh, who was released two weeks later, never saw his son Daljit again. Daljit simply “disappeared”. Presumably, he was kept alive for 17 more days as the CBI's list shows his cremation was carried out by Ajnala police on 30 December 1992. He was supposedly killed in an “encounter” along with Jagir Singh, s/o Thakar Singh, r/o Awan Lakha Singh village. The CBI's list also shows his cremation.

Later, Kashmir Singh filed a petition before the High Court of Haryana and Punjab at Chandigarh praying for a writ of *habeas corpus*. The high court ordered an inquiry to be conducted by a magistrate at Amritsar. While the petition was still pending, the CBI launched its inquiry into the matter of illegal cremations ordered by the Supreme Court. According to Kashmir Singh, the CBI has filed a charge-sheet in this case against the responsible police officials.

434. Under serial no. 571/157, the list identifies the cremation of Gulzar alias Baba Bullet, s/o Acchar Singh, r/o Ganshampur, carried out on 8 January 1993, by the SHO of Matewal police under FIR no. 1/93. The list does not show the post-mortem report number. The cause of death is given as “police encounter”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01654. The main informant is the victim's brother Jagtar Singh.

Twenty-two-year-old Gulzar Singh, son of Achhar Singh and Hardeep Kaur, was a resident of Ghanshampura village under Mehta police station in Baba Bakala sub-division of Amritsar district.

A baptized Sikh, Gulzar completed his matriculation, learnt to drive a truck and found a job as a driver with a transport company. He was unmarried and harboured sympathies for the Sikh militant movement. In 1992, the police started raiding Gulzar's house to arrest him. Gulzar dodged his arrest and went underground. Characteristically, the police harassed his relatives, holding them in illegal custody and torturing them for information about Gulzar's whereabouts.

On 7 January 1993, Gulzar and four of his associates were resting in a house at village Tarpur when a large police force, alerted by a local informer, stormed the house and killed all five of them. The police loaded the five bodies in a vehicle and went away. Gulzar's family members were not informed about the incident and, when they reached the Durgiana Mandir cremation ground while the pyres were still burning, the police ordered them to leave.

The CBI's identified list shows only one cremation of Gulzar Singh. Cremations of Satnam Singh alias Skinja, r/o Cheema Khudi in Hargovindpur sub-division of Gurdaspur district, and of Surinder Singh alias Billa are recorded in the partially identified list of cremations, Under serial nos. 570/89 and 572/90. These cremations were also carried out by the SHO of Matewal police under FIR no. 1/93 on 8 January 1993. The CBI's list of unidentified cremations, Under serial nos. 573/324 and 574/325, shows two other connected cremations on 8 January 1993.

435. Under serial no. 577/158, the list identifies the cremation of Sukhwinder Singh alias Goldi, s/o Mukhtiar Singh, r/o Brar, carried out by the Jandiala police on 13 February 1993, under FIR no. 25/93. There is no post-mortem report number. The cause of death is given as "bullet injuries".

The committee has got the following information through its incident report form no. CCDP/01417. The main informant is Mukhtiar Singh, Sukhwinder's father.

Eighteen-year-old Sukhwinder Singh, s/o Kashmir Singh and Preetam Kaur, was from the locality of Baath Wali Patti in Brar village, under Lopoke police station, in Ajnala sub-division of Amritsar district. He was a first year college student.

Sukhwinder's father Mukhtiar Singh was a small farmer who had retired from the Indian army. He had a large family of three sons and three daughters. Sukhwinder was the youngest. To supplement his meager agricultural income, Mukhtiar Singh worked as a security guard at the local branch of Punjab National Bank.

In the year 1990, militants gunned down Sukhwinder's sister Sawinder Kaur and her husband Sukhjinder Singh, resident of Kahnuwal village in Gurdaspur district, when they were visiting a relative at Chaura Madhra. Sukhwinder was infuriated by this incident and vowed to take revenge. He joined a rival militant group. Normally, the state government paid compensation to victims of terrorist violence, but in this case, the government did not provide any relief to the families of Sawinder Kaur and Sukhjinder Singh.

Police began to persecute the entire family, including distant relatives, after Sukhwinder left home to seek his revenge. SI Raghbir Singh Makhi from the Mall Mandi interrogation center picked up Sukhwinder's brother-in-law, husband of his second sister Baljit Kaur, Boora Singh. Son of Channan Singh from village Nawan Pind (Hundal), post office Babbewali in Gurdaspur district, Boora Singh was an employee of the Punjab Electricity Board. SI Raghbir Singh also arrested another relative Major Singh, s/o Sucha Singh, r/o Sidhwan village in Dhariwal sub-division of Gurdaspur district. The police tortured both of them at the Mall Mandi interrogation center and then they "disappeared".

The police also detained Sukhwinder's father Mukhtiar Singh a number of times illegally for months together, subjecting him to brutal torture for information. Sukhwinder's maternal relatives were also picked up and interrogated. The police wanted them to disclose Sukhwinder's whereabouts and cooperate with his arrest. But no one had any knowledge of his residence or whereabouts.

Early in December 1992, Ramdas police took Mukhtiar Singh again into illegal custody and, after torturing him for days together, transferred him to Beas police station. The police also confiscated all of his household belongings and demolished a part of his house, making it uninhabitable. The police also did not allow the family members to harvest their paddy crop, forcing it to rot in the field. The losses from these depredations are estimated to be more than Rs. 300,000.

Early in February 1993, Sukhwinder came to know about his father being in illegal custody for more than two months and also discovered the intensity of police atrocities against the remaining members of his family. Fearing that the police might kill his father, Sukhwinder met sub-inspector Balkar Singh, a man from his own village, and spent the night of 9 February 1993 at his house in Amritsar discussing ways to get his father released from illegal police detention. Balkar Singh sent a message to the SSP of Majitha district about his visitor and worked out a plan to get him arrested. The next morning, Sukhwinder took a pillion ride on Balkar Singh's motorcycle with the intention to get off at the bus stand. On the way, near Putlighar crossing in Amritsar, the police had put up a big checkpost and managed to arrest him. He was brought to Mall Mandi interrogation center where SSP Majitha and other senior officers supervised his interrogation under brutal torture. The police tortured Sukhwinder continuously for two days.

Sukhwinder was declared to have been killed, along with another unidentified militant, in an "encounter" with the Jandiala police that was staged near Gehri Mandi village on February 12 night. On 14 February 1993, Punjabi newspapers prominently published the story of the "encounter". The family members were not allowed to witness the cremations, which were carried out on 13 February 1993.

In the encounter, the police claimed to have killed another unidentified militant along with Sukhwinder Singh. However, the CBI's list of unidentified cremations does not show any other cremation on 13 February 1993, carried out by Jandiala or any other police. What happened to the body remains a mystery.

436. Under serial no. 586/164, the list identifies the cremation of Satnam Singh, s/o Mohinder Singh, r/o Jahupur, Khera, carried out by the Beas police on 19 March 1993, under FIR no. 12/93. The post-mortem report is marked as ND/718/93 and the cause of death given as "police encounter".

The committee has acquired the following information about this case through its incident report form no. CCDP/0773. The victim's father Mohinder Singh Dhillon is the main informant.

Twenty-four-year-old Satnam Singh, s/o Mohinder Singh Dhillon and Nasib Kaur, was a resident of Jallupur Khaira, under Beas police station, in Baba Bakala sub-division of Amritsar district. Satnam attended school till class VIII and then went to Mumbai to become a truck driver. Becoming a skilled driver, he found employment with a transport company based in Bombay, and used to ferry goods across India, including Punjab.

In July 1991, when Satnam had come home to spend some time with the family, the Verowal police arrested him from his residence and interrogated him under brutal torture for 15 days. Satnam was tortured so severely that he could not move. But he and his family members were relieved that instead of killing him, the police decided to



Satnam Singh

implicate him in a case under the Arms Act. The magistrate saw that Satnam had been brutally tortured as the police had to physically lift him into and out of the court. But he did not take any cognizance of this and sent him to jail. He was released on bail four months later. Satnam decided to resume his work as a driver, returning to Punjab intermittently to attend the proceedings of his trial before an Amritsar court.

The hearing in the case was set for 11 March 1993. Satnam reached his village a few days earlier and attended the proceedings along with his father and a relative Lakhwinder Singh, resident of Kaula village in Tarn Taran sub-division of Amritsar district. Following the hearing, as Satnam was leaving the court room, a group of constables from Beas police station, led by head constable Jagtar Singh, took him into custody and drove away with him in a police vehicle.

Mohinder Singh, along with some relatives and members of his village council, met SHO Paramjit Singh of Beas police station the next day and asked him why his son had been arrested outside the court. The SHO said that Satnam had been detained for questioning about his antecedents and would be released after a verification of his statements, a promise he continued to repeat over the next days. Mohinder Singh learnt that his son, after some days of custody at Beas police station, was transferred to Mall Mandi interrogation center. The SHO told him not to worry, promising once again that his son would not come to any harm. Mohinder Singh believed him and did not approach senior officials.

On 20 March 1993, several newspapers in Punjab published a report about an "encounter" near Tong village in which the Beas police had supposedly killed Satnam Singh, declared to be a militant, along with an unidentified accomplice. Mohinder Singh later found out that the so-called unidentified accomplice was Dilbagh Singh, s/o Sawinder Singh of Khijkipur, a constable of the Punjab Armed Police, who had been arrested on suspicion of helping the Sikh militants.

The cremation of Dilbagh Singh, suspended constable of the Punjab Armed Police, carried out by the Beas police on 19 March 1993 under FIR no. 12/93, is recorded without a name as Serial no. 587/329 in the CBI's list of unidentified

cremations. Dilbagh Singh's story is summarized in the appropriate section.

Satnam's older brother Kulwant Singh, who had migrated to Muscat, could not visit his parents to console them until nearly four-and-a-half years after the tragedy, reaching his village on 2 August 1997. On 31 August 1997, ASI Jagtar Singh, in-charge of the police post at Raiyya, came to Mohinder Singh's house with a group of constables and took Kulwant Singh into custody. This was the same Jagtar Singh who, as a head constable in March 1993, had abducted Satnam when he was leaving a court room at Amritsar after attending the proceedings in his case on 11 March 1993. The police kept Kulwant in illegal custody for five days and then, on 5 September 1997, showed him to have been arrested at a checkpoint within the jurisdiction of Beas police station. The police implicated Kulwant in cases of unresolved militant crimes in the period of 1990 to 1991 and sent to jail. Within a month, the trial court ordered his release on bail and Mohinder Singh, along with members of the village council, met the SSP of Majitha police district to acquaint him with the circumstances in which ASI Jagtar Singh had implicated his second son. The SSP conducted an inquiry and ordered the withdrawal of all cases registered against Kulwant Singh. However, no action was taken against ASI Jagtar Singh who, according to Mohinder Singh, had taken this step preemptively to thwart any legal action the family may have thought of initiating against him, for the abduction and the killing of Satnam Singh in March 1993.

Jagtar Singh's action did indeed achieve that objective.

437. Under serial no. 608/170, the list identifies the cremation of Lakhwinder Singh alias Lakha, s/o Harbhajan Singh, r/o Chowgan, carried out on 16 May 1993, by SHO Udham Singh of Mehta police station. The list neither records the FIR number nor mentions the post-mortem report. The cause of death is given as "police encounter".

The committee has acquired the following information about this case through its incident report form no. CCDP/01214. Satwant Kaur, the victim's mother, is the main informant.

Thirty-year-old Lakhwinder Singh, resident of Charhdi Patti in village Chogawan under Mattewal police station in Baba Bakala sub-division of Amritsar district, was the second son of Harbhajan Singh and Satwant Kaur. He had two brothers: Tarlochan Singh and Upkar Singh. Tarlochan was the elder brother. Upkar, the youngest, used to live with his maternal grandmother. They also had a sister who had been married for many years. She was the eldest of the siblings.

Father Harbhajan Singh was a mechanic and owned a welding shop in the village. Lakhwinder, who dropped out of school after class VIII, used to work with his father. He was married to Sarabjit Kaur and was the father of a boy, Daler Singh, who is now 14. Sarabjit Kaur's parents lived in Delhi.

Lakhwinder's elder brother Tarlochan Singh had also been an active worker of the Sikh Students Federation and had participated in the political agitation launched by the Akali Dal in July 1982, to achieve a radical measure of autonomy for Punjab. After the Operation Blue Star in June 1984, the police marked him as a suspect and arrested him very frequently. Sometimes, the police would release him after questioning. Other times, they would torture him in illegal custody for several weeks. He was also implicated in many criminal cases under various laws, including TADA and the

Arms Act. The police harassed him whenever he came out on bail. They would pick up his family members if he was not home. In this situation, life had become impossible for all of the family members.

Fed up of endless harassment and torture, Tarlochan's wife went away to live with her parents in Amritsar. Tarlochan too began to live with them. Lakhwinder went to Delhi and got himself a job at an automobile workshop as a scooter mechanic. Lakhwinder and his wife moved to a rented house in Delhi.

Meanwhile, father Harbhajan Singh began to serve in the gurdwara at village Pandori Sidhwan as a *paathi*. The police continued to harass him even there, illegally detaining him and also his wife, and interrogating them under torture about the militant connections of their sons. After both Tarlochan and Lakhwinder moved away from their village, the police began to suspect that they had joined some militant organisation. Harbhajan Singh and Satwant Kaur told them that they were living in Delhi to escape persecution. The police demanded that they be produced for interrogation. These were times of uninhibited police repression and terror, and custodial killings were a daily phenomena. Under these circumstances, Satwant Kaur and Harbhajan Singh did not dare to submit their sons to police interrogation.

Around 5 p.m. on March 1993, the Amritsar police raided the house of Tarlochan's in-laws at Kot Atma Ram in Amritsar and took him away without disclosing their destination. The family members searched for him in many police stations in Amritsar district but failed to locate him. Tarlochan Singh simply disappeared. No one knows what happened to him, when or how the police eliminated him and destroyed his body.

In May 1993, the Mattewal police arrested all of the close relatives of Lakhwinder Singh living in Punjab, including his parents, brother Upkar Singh, his mother-in-law, sister-in-law and all their children. Lakhwinder's mother-in-law and sister-in-law were tortured and forced to reveal his address in Delhi. SHO Uddham Singh of Mehta police station forced Lakhwinder's brother-in-law Dara Singh to come along with his police force to Delhi.

Lakhwinder was arrested from his rented house in Delhi and brought to Mattewal police station on 15 May 1993. He was killed the same night in a fake encounter staged near village Boparai. The story of the "encounter" that appeared in several newspapers on 17 May 1993 was the stock-in-trade. The newspapers said that a group of militants attacked the police vehicle in which Lakhwinder was being taken to recover arms, leading to an exchange of fire in which he was killed.

The police did not allow the family members to attend the cremation or collect his ashes. All of the family members held in illegal police custody since the beginning of May 1993, with the exception of Lakhwinder's father, were released the day after the police carried out the cremation. Harbhajan Singh was released 20 days later.

Harbhajan Singh never recovered from the loss of his two sons. Three years later, he walked to the site near Boparai village where the police had staged Lakhwinder's encounter. He suffered a heart attack there, and died on the spot.

Tarlochan's wife, with her three minor children, lives with her parents in Amritsar. Lakhwinder's widow Sarabjit Kaur went back to her parents in Delhi. Mother Satwant Kaur tries to make both ends meet by selling milk from the only cow she owns, and also doing embroidery work for people in the village.

438. Under serial no. 614/173, the list identifies the cremation of Rachpal Singh, s/o Pargat Singh, r/o Akalgaira, carried out by SHO Paramjit Singh of Beas police station on 24 August 1993, under FIR no. 73/93. There is no post-mortem report number. The cause of death is given as “bullet injuries”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01509. The main informant is the victim's father.

Rachhpal Singh (26), son of Pargat Singh and Bachan Kaur, was a resident of village Ekalgadda, Pati Samaran, under Verowal police station, in Khadur Sahib subdivision of Amritsar district. He was a farmer and unmarried. He had to give up school because his father Pargat Singh was still serving with the Indian army as a JCO and the family land needed to be looked after. Rachhpal was sportive and enterprising. He was a good football player and apart from cultivating his farm, started the additional business of selling milk. Rachhpal was clean-shaven and did not have strong religious feelings. He also had no connection with political or militant organizations.

Rachhpal, with his small successes, had managed to antagonize some locally influential persons who, in 1988, instigated the SHO of Jandiala police station to arrest him by suggesting that he sheltered militants. The members of the village council intervened on his behalf. However, after interrogating him under torture for more than a week, the SHO of Jandiala police station implicated him in a criminal case under TADA and sent him to jail. Rachhpal Singh was acquitted after one year. However, the police continued to raid his house and harass him. Rachhpal tried unsuccessfully to muster some effective intervention on his behalf and when his harassment became unbearable, he left home.

The police started tormenting his family members, arresting and torturing them indiscriminately. Fed up by the police harassment, they told to the police that Rachhpal Singh had been killed in an encounter with Orissa police. This was a lie, but the family was trying to get some respite from the police torture. The lie worked only for a while and soon the police found out that Rachhpal Singh was alive and in Punjab. The persecution intensified. The police did not let the family cultivate their land. The police regularly picked up and tortured family members and other relatives, including women. They did not even spare pregnant women. Rachhpal's sister-in-law, his brother Balraj Singh's wife, and the wife of his cousin Tarsem Singh, gave birth to two children in the police station. Rachhpal's three sisters were often abducted and humiliated in illegal police custody. His father Pargat Singh and brother Balraj Singh were held continuously at Tarn Taran's CIA interrogation center.

In July 1993, the Tarn Taran police released Rachhpal's father and brother with the instructions to look for him and produce him before the police. They were told that unless they succeeded in bringing him in, other members of the family in police custody would be eliminated. Around 18 August 1993, the Beas police again arrested Pargat Singh and Balraj Singh from their house and brought them to Beas police station. There, they met Rachhpal Singh. The SHO of Beas police station and SP (operations) Banga tortured him brutally for information about his hidden weapons. After his torture, Rachhpal was carried away in an unconscious state. Pargat Singh and Balraj Singh remained in the custody of Beas police till 26 August 1993. But they did not see Rachhpal Singh again.

Rachhpal was killed in an “encounter” with the Beas police in the night between

23 and 24 August 1993, near village Jallu Khaira. After his cremation the next day, the police released all his relatives and family members who had for long been living in police custody.

No one in the family was able to attend the cremation. They were also not allowed to collect Rachhpal's ashes.

439. Under serial no. 616/175, the list identifies the cremation of Rulia Ram, s/o Birsa Singh Mazabi, r/o Khalchian, carried out on 7 September 1993, by SHO Satwant Singh of Beas police station under FIR no. 77/93. There is no post-mortem report and the cause of death is mentioned as "bullet injuries".

The committee has gathered the following information about this case through its incident report form no. CCDP/01333. The main informants in this case are Lakhbir Kaur, the victim's widow and Dharam Singh, the father of two other boys Aroor Singh and Harjit Singh from the same neighborhood who were picked up around the same time and killed in a fake encounter.

According to the information available to the CCDP, the actual name of the victim is Rulia Singh and not Rulia Ram as given in the CBI's list. He was a 30-year-old *Mazhabi* Sikh born to Virsa Singh and Amar Kaur who lived at Khalchian village in Baba Bakala sub-division of Amritsar district. His father was a poor landless peasant who had raised his family by working as a farm laborer. Due to poor financial condition, Rulia was not able to study beyond class V and had begun to work as casual labor to supplement the family income when he was still a teenager. Later, Rulia started driving a *tonga* for his livelihood. He had no political or militant connections, but the police had interrogated him a few times about his involvement in petty cases of theft. He was formally never arrested. Rulia Singh was married to Lakhbir Kaur and had five children, three sons and two daughters. The eldest son Ranjit Singh is now 15 and the youngest Suman, a daughter, is 11.

In the first week of August 1993, SHO Suba Singh of Verowal police station led a police force in a raid of a cluster of houses in the village where Rulia Singh lived and arrested him. The police also wanted to arrest Rulia's neighbors Aroor Singh and Harjit Singh, sons of Dharam Singh. Aroor Singh, 22, and Harjit, 20, worked as laborers. Aroor Singh was married to Ninder Kaur alias Rani and had two sons, now 14 and 11. Harjit was married to Balwinder Kaur and had a daughter. The police suspected Rulia, Aroor Singh and Harjit of having committed theft.

Both Aroor Singh and Harjit were not available when the police raided their place. The SHO then arrested a number of their relatives, including their wives and mothers-in-law, from their villages, and forced them under torture to reveal the whereabouts of Aroor Singh and Harjit. The police also confiscated all of the household items and jewelry found in the house.

Apparently, Rulia Singh knew that both Harjit and his brother Aroor Singh had gone to Delhi. The Verowal police compelled him to come along and, with his cooperation, arrested Aroor Singh. Harjit's brother-in-law Ravinder Singh, who had also been brought to Delhi in illegal custody, helped the police catch him.

After the police made these arrests, Rulia Singh somehow managed to escape from police custody. The police then arrested his wife Lakhwinder Kaur and her mother from their native village Tung and forced him to surrender before the Khalchian

police in the presence of his family members.

Aroor Singh, Harjit Singh and a third person named Malook Singh of Dashmesh Nagar were killed in a fake encounter that was staged near village Ekalgadda on 30 or 31 August 1993. What the police did to the bodies is a mystery since the CBI lists do not show any cremations around these dates. The relatives of the three persons, who had been detained at Khalchian police station since early August, were released a day after the reported encounter.

On 6 September 1993, the police staged yet another encounter near Khalchian town that allegedly led to the killing of Rulia Singh. After his death, the Khalchian police released both his wife and mother-in-law who had been taken into custody to compel Rulia to surrender.

440. Under serial no. 617/176, the list identifies the cremation of Beer Singh, s/o Lal Singh, r/o Matewal, carried out by the SHO of Mehta police station on 10 September 1993, under FIR no. 70/93. The post-mortem report number is not given. The cause of death is mentioned as “bullet injuries”.

The committee has gathered the following information through its incident report form no. CCDP/01317. The main informant in this case is Veer Kaur, the victim's wife.

Fifty-year-old Beer Singh, s/o Lal Singh and Piar Kaur, was a *Mazhabi* Sikh from Mattuan Di Patti in Mattewal village under Mattewal-Chogawan police station in Baba Bakala sub-division of Amritsar district. Married to Veer Kaur with three children, Beer Singh earned his livelihood as a casual laborer.

Although a *Mazhabi*, Beer Singh was a baptized Sikh and a Nihang. Beer Singh had also worked as a laborer at the farm of Sham Singh of his village who had later joined the militant ranks. In 1992, the Kathu Nangal police had arrested Beer Singh twice, suspecting that he might be maintaining links with Sikh militants. Otherwise, he had no political or militant connections and had never been formally arrested.

On 7 September 1993, Beer Singh left with his wife Veer Kaur for her native village Booh in Kapurthala district. Her brother Ajaib Singh had died and her parents had organized a religious function and a feast to mark the last rites. Beer Singh and his wife were waiting for a bus at the main traffic roundabout in Mehta when five to six policemen, led by SHO Udham Singh of Mehta police station, arrested Beer Singh and took him away. Asked to explain why they were arresting him, the SHO told his wife that she should come to the police station for answer. Veer Kaur was nervous of going to the police station alone.

Instead of going to attend the last rites of her brother, Veer Kaur went back to her village and tried to persuade some prominent persons and the members of the village council to intervene and save her husband's life. The police terror was at its peak around this time and no one from the village came forward to help. Being a poor and illiterate woman, she could not approach higher officials or politicians in Amritsar city for intervention and help.

Three days later, several newspapers published a report about Beer Singh's killing in an “encounter”. The family members were neither able to attend the cremation nor collect his ashes.

According to Veer Kaur, the police in a separate incident had also arrested her nephew Balwinder Singh from Booh village in Kapurthala district and killed him in a

fake encounter. Balwinder was the son of her brother Ajaib Singh, whose last rites she was prevented from attending on 7 September 1993.

441 – 442. Under serial nos. 618/177 and 619/178, the list identifies two cremations carried out by the SHO of Ajnala police on 17 September 1993 under FIR no. 89/93. They are of [1] Bhajan Singh, s/o Nanku, r/o Brana; and [2] Balbir Singh, s/o Swaran Singh, r/o Malkpur. Balbir Singh's post-mortem report is marked as ND/849/93 and the cause of death in both cases is given as "police encounter".

The committee has gathered the following information about Balbir Singh through its incident report form no. CCDP/01259. Kulwant Kaur, the widow of Balbir Singh, is the main informant in this case.

Thirty-year-old Balbir Singh, s/o Swaran Singh and Mohinder Kaur, from village Malakpur, post office Botha under Ramdas police station, in Ajnala sub-division of Amritsar district, was a Home Guard constable. He was married to Kulwant Kaur and had two sons and two daughters. The eldest boy Jagjit Singh is now 15 and the youngest daughter Baljit Kaur is 11.

As a constable of the Punjab Home Guard, Balbir was posted at Ajnala police station from 1992 to 1993. In this period, Balbir developed an extra-marital relationship with a girl of Mandranwala village. The relationship was strongly disapproved of by the girl's family and her brother Malook Masih picked a fight with Balbir resulting in Masih's death. This happened in July 1993. Balbir had not murdered Malook Masih premeditatedly but, instead of permitting the law to take its course, he panicked and went into a hiding.

When the police came to arrest him, Balbir was not home. The police then detained his father Swaran Singh and held him illegally at Ramdas police station till the Ajnala police had arrested Balbir.

The Ajnala police succeeded in tracing Balbir Singh by arresting his cousin (maternal uncle's son) Harbhajan Singh from village Varana under Tarn Taran police station. Harbhajan knew that Balbir had taken shelter at Kuldeep Kaur's house in village Bolian. Thus, the Ajnala police was able to nab Balbir Singh. Both Harbhajan and Balbir were kept in illegal custody for five to six days and then were killed in an "encounter" staged near village Bolian.

According to the family members, who came to know about their killing from the newspaper reports, and could not attend the cremation, none of them had any link with the militant movement.

443. Under serial no. 621/179, the list identifies the cremation of Satnam Singh, s/o Dalip Singh, r/o Harsa Chhinna, carried out by SHO Harbhajan Singh of Lopoke police station on 25 November 1993. There is no FIR number. The post-mortem report is marked as ND/904/93. The cause of death is given as "bullet injuries".

The committee has gathered the following information through its incident report form no. CCDP/01297. The main informant in this case is Gurbachan Kaur, the victim's mother.

Thirty-five-year-old Satnam Singh alias Satta, s/o Dalip Singh and Gurbachan Kaur, was a farmer resident of Harsha Chheena, post office Sawazpur under Raja

Sansi police station, in Ajnala sub-division of Amritsar district. A baptized Sikh loyal to the Akali Dal, Satnam was married to Jasmeet Kaur, daughter of Lakhbir Singh, former DSP of the Punjab police.

As a member of the Akali Dal, Satnam had actively participated in the agitation launched by his party in 1982 to obtain a radical measure of autonomy for Punjab. In the course of the agitation, he had courted arrest several times. He was also a member of the group, led by former chief minister Prakash Singh Badal, that had burnt copies of the Indian Constitution in Delhi to demand an amendment to its Article 25 that labelled the Sikh community as a branch of the Hindu religious family. When the Indian army launched its attack on the Golden Temple of Amritsar in June 1984, Satnam Singh took a lead in collecting the people of his area and in marching with them in a protest procession towards the Golden Temple. The army stopped the procession near Kamboh-Hayer village junction on Ajnala to Amritsar road. To disperse the crowd, the army opened fire and killed his cousin-brother Ranjit Singh, s/o Dharam Singh. These events had a deep impact on Satnam's life and he became involved in organizing the armed struggle that became more and more virulent over the next years.

Satnam Singh, who went underground in 1985, was not arrested until November 1993. In this period, he took a second wife by marrying Baljit Kaur, daughter of Surjan Singh from Kuhar village under Qadian police station in Gurdaspur district. Baljit Kaur's sister Jaswant Kaur later married Satnam's brother Balkar Singh.

In this period from 1985 to 1994, Satnam's family suffered immeasurable atrocities. The police used to arrest and torture members of the family following frequent raids of their house. The police did not even spare distant relatives. They prevented his brothers and his uncles, who lived next to each other, from cultivating their lands. They taunted and abused the women of the family, and prevented their children from attending school.

Sukhdev Singh, a cousin of Satnam, was unable to tolerate these humiliations and joined the ranks of militants. He was killed in an encounter in 1990.

In May 1992, the Amritsar police abducted another cousin Sucha Singh, s/o Mohinder Singh, from his house and killed him in a fake encounter. Satnam's real brother Balkar Singh and his wife Jaswant Kaur were arrested by Mattewal police in 1992 and "disappeared".

On 22 November 1993, senior officers of the Majitha police district, led by SSP Paramjit Singh Gill and DSP Darshan Singh Mann, arrested Satnam from a house at village Nagar under Gharinda police station. *Az Di Awaz*, a newspaper published from Jalandhar, carried the news of his arrest. Satnam was tortured for two days in the police custody and then declared killed in an "encounter" staged near village Khihalan under Lopoke police station in the night of 24 November 1993.

The decade of violent unrest and its brutal repression in Punjab had claimed a total of eight lives, including Satnam's, within a single family. They include Satnam's three cousins — Ranjit Singh, Sukhdev Singh and Sucha Singh; his brother Balkar Singh and wife Jaswant Kaur, and two of his brothers-in-law, Gurdeep Singh and Kuldeep Singh, sons of Surjan Singh from Kuhar village under Qadian police station in Gurdaspur district.

444. Under serial no. 623/180, the list identifies the cremation of Sukhdev Singh

alias Sukha, s/o Karam Singh, r/o Kathu Nangal, carried out by the SHO of Mehta police station on 4 January 1994. The list does not record the FIR and the post-mortem report numbers. The cause of death is given as “police encounter”.

The committee has gathered the following information about this case through its incident report form no. CCDP/00758. The main informant in this case is Swaran Kaur, the victim's mother.

Twenty-eight-year-old Sukhdev Singh, s/o Karam Singh and Swaran Kaur, was a resident of Patti Ramal Ki in village Chachowali, post office Jaintipur, under Kathu Nangal police station in Amritsar district. After completing his school education, Sukhdev started helping his father with the farm work. He was married to Ranjit Kaur. They had two children; daughter Prabhjot Kaur, now 11, and son Ranjodh Singh, 10.

Sukhdev was arrested by Batala's Sadar police for the first time in 1988. They illegally detained and tortured him for 10 days. The village council members intervened and succeeded in getting him released from police custody. Some weeks later, Kathu Nangal police arrested him from his residence and again tortured him for 15 days. Following his third arrest by Kathu Nangal police, happening soon after his second illegal detention, Sukhdev was charged under TADA and sent to Sangrur jail. He was released on bail seven months later, but again, seven days after he came out of jail, SHO Dilbagh Singh and ASI Amrik Singh of Kathu Nangal police raided his house and detained and tortured him for the next 20 days. Once again, the village council intervened and got him released from illegal detention. But the police repression did not cease. Finally, Sukhdev decided to leave home and join hands with the militants.

It was now the turn of his family members to endure atrocities. SHO Dilbagh Singh, ASI Amrik Singh and SI Mahinder Singh Fauji would regularly pick up his father Karam Singh, mother Swaran Kaur and brother Narinder Singh, hold them for weeks together in illegal custody, and torture them brutally for information about Sukhdev's whereabouts. These officers regularly went to Sukhdev's house and insulted his mother, beating her up in front of all of the villagers. Swaran Kaur left to live with her parents at Hasanpur in Amritsar district.

In October 1993, SHO Dilbagh Singh, SI Mahinder Singh Fauji and ASI Amrik Singh arrested Swaran Kaur from Hasanpur and brought her to Kathu Nangal police station. The police brutally tortured her for eight days. She would probably have died if SHO Dilbagh Singh had not been transferred out of that police station. The new SHO got her medically examined and treated. But Swaran Kaur remained in illegal police custody continuously for three months.

In the first week of January 1994, the police released Swaran Kaur from illegal custody. She did not know it at that time, but the newspapers in Punjab had already published a report about the killing of her son in an “encounter” that had supposedly occurred near village Rania under Lopoke police station. The newspapers also carried a photograph of his body.

They later found out that Sukhdev Singh had been arrested from Orissa State and brought to Punjab some days before the so-called encounter. The family was unable to attend the cremation or carry out the last rites.

PARTIALLY IDENTIFIED SUMMARIES

Cremations in the Police District of Tarn Taran

1. Under serial no. 03/06, the CBI list partially identifies the cremation of Ranjeet Singh alias Fauja Singh Mazabi, r/o Tarsika, whose cremation was carried out 19 March 1987 by ASI Joginder Singh of Tarn Taran's Sadar police station under FIR no. 50/87. The post-mortem report number is USS-68/87. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/01194. The main informant is the victim's mother Mohinder Kaur.

Ranjit Singh, son of Fauja Singh and Mohinder Kaur, from Tarsikka village, Patti Mangat, under Mattewal police station, in Baba Bakala sub-division of Amritsar district, was a nineteen-year old *Mazhabi* Sikh boy. He was baptized and religiously very devout; he was also very actively involved in the agitation for political autonomy launched by the Akali Dal in 1982. In the course of the agitation, Ranjit had courted arrest a number of times and later took part in defending the Golden Temple against the army assault in June 1984. According to Mohinder Kaur, Ranjit managed to slip out of the temple complex before the battle tanks demolished the Akal Takht and, thereafter, remained an active member of the underground militant movement.

In March 1987, Ranjit was travelling in a bus to Anandpur Sahib to take part in the Hola Mohalla celebrations that commemorate the founding of the Khalsa Sikh order by Guru Govind Singh in 1699. On the way, Tarn Taran police arrested Ranjit. Ranjit's associates, who managed to dodge the police, witnessed his arrest. A report about his arrest was published in several Punjabi newspapers the next day. Five days later, police killed Ranjit in an encounter faked at Sheron village near Tarn Taran. Various newspapers also reported his killing in the alleged encounter.

According to Mohinder Kaur, the police inflicted inhuman torture on all members of the family during the period her son remained underground. Mohinder Kaur herself was brutally tortured in illegal police custody.

2. Under serial no. 08/56, the CBI list partially identifies Teja Singh, s/o Bera Singh Jat, whose cremation was carried out by SHO Surinder Singh of Tarn Taran's Sadar police station 5 November 1988 under FIR no. 146/88. The post-mortem report number is PS-67/88. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/01242. The main informant in this case is the victim's mother Manjit Kaur.

Tega Singh, son of Dalbir Singh and Manjit Kaur, was a farmer from village Kang, under Tarn Taran's Sadar police station, in Tarn Taran sub-division of Amritsar district. He was married, although his wife has since remarried.

In the beginning of 1988, Tarn Taran's Sadar police started raiding Dalbir Singh's

house in an attempt to arrest him. The first time they raided his house, Dalbir Singh was not home, so the police and the CRPF abducted two of his sons, Tega Singh and Subeg Singh. The police brutally tortured both of them. On the third day, the police released Tega Singh at the intervention of the panchayat on the condition that the family would locate Dalbir Singh and produce him before the police. A few days later, Subeg Singh was also released, as he had to appear for his matriculation examination.

The police alleged that the family was giving shelter and food to the militants. The family members said that as their house was situated in the fields, they dared not refuse shelter and food to the militants. In those days, militants would often visit the houses of those living in their farmhouses and demand food. Both Tega Singh and Subeg Singh had been released by the police on the condition that they mark their attendance at the village Police post everyday. As the police continued to raid their house, the family decided to shift to Delhi to the house of Dalbir Singh's brother, Gurdial Singh, who used to drive a truck there. Dalbir Singh also joined them in Delhi.

On 30 or 31 October 1988, the Tarn Taran Police brought Dalbir Singh, Tega Singh, Gurdial Singh, and Dara Singh, resident of Lalpura, from Delhi. Manjit Kaur and her younger children went away to her parents' house in U.P. The Tarn Taran police showed Dalbir Singh and his son Tega Singh as having been killed in an "encounter" on 4-5 November 1988 near village Pakho Ke. The family learnt about it by reading a report in the Punjabi daily *Ajit* published on 6 November 1988.

According to the newspaper report, two of five suspected terrorists, killed in the encounter with the security forces in the area of Tarn Taran, had been identified. The SSP Tarn Taran, Sanjiv Gupta, said that one of the terrorists killed in the encounter at village Pakho Ke, had been identified as Balbir Singh alias Beera from village Kang.

The family does not know how the police disposed of the bodies of Dalbir Singh and Tega Singh.

The police registered cases against Gurdial Singh and the driver from Lalpura and they were sent to jail. Gurdial Singh was released on bail after six months.

In September 1989, Dalbir Singh's younger son, Subeg Singh, decided to go to his village to look after his home and land. He first went to his aunt's home at village Talwandi Sobha Singh Wali and stayed the night. The next day he started for Amritsar by bus. On the way, near Jhabbal, the police forced him off the bus and arrested him. Later on, the family members read a news item in the newspapers that a militant named Subeg Singh had been killed in an "encounter" with the police.

The family was so scared of the police that they did not dare to return home until 1990. Even then, the police continued to raid their house. They would pick up Dalbir Singh's brother Gurdial Singh. Consequently, Gurdial Singh left home and now lives in Mumbai (Maharashtra).

The police also detained Major Singh, Dalbir Singh's youngest son. The family says that there was a group in the village that would instigate the police against them by giving out false information. Each time the family would have to bribe the police to get Major Singh, who was still in school, released. The family was forced to sell an acre of land for this reason.

The CBI fully identified Dalbir Singh Under serial no. 26/57, but only partially identified his son. The identities of the other persons reportedly killed with them are not known.

3. Under serial no. 13/170, the CBI list partially identifies Sukhdev Singh alias Sukha, r/o Jania, whose cremation was carried out by HC Didar Singh of Tarn Taran's Sadar police station on 3 March 1990, under FIR no. 1/90. The post-mortem report number is PS-19/90. The cause of death is given as "fire arm injuries/encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/00476. The main informant in the case is the victim's mother Harbhajan Kaur.

Seventeen-year-old Sukhjinder Singh alias Sukha, son of Ajaib Singh and Harbhajan Kaur, was a farmer resident of village Janian, post office Bundala, under Jandiala Guru police station, in sub-division and district Amritsar. Sukhjinder was not formally associated with any militant or political groups. He did support Simranjit Singh Mann and spent time canvassing for him in 1989. Sukhjinder also always used to participate in religious functions held in his village. He collected donations and organized langar, avoiding people with suspect motives. Sukhjinder went to Assam where his uncle had a transport business, and he had been there for two months before his execution.

Around 18 February 1990, between 7 a.m. and 8 a.m., a large police party descended on his village. Although all of the young people hanging out in the market area fled, Sukhjinder stayed put. After that, he disappeared and his family could not trace him.

On 2 March 1990, the police killed him in a false encounter on Dinewal road near village Jahangir, along with three other alleged militants. The police declared Sukhjinder an unidentified militant. The other alleged militants killed were identified as Bhupinder Singh Phula, son of Sajjal Singh of Jandiala; Ranjit Singh Bitta, son of Harbhajan Singh of Jandiala; and Dilbagh Singh Bagga. Newspapers reported the police version of the encounter on 3 March 1990, along with photographs of all four alleged militants. What happened to the other bodies is not known.

After Sukhjinder's death, his younger brother Balwinder Singh fell ill and had to start taking medication. After three months of illness, Balwinder was admitted to Guru Nanak hospital in Amritsar where he died. After the death of both of his sons, their father Ajaib Singh fell completely silent, never speaking again.

4. Under serial no. 19/269, the CBI list partially identifies Paramjit Singh alias Sada Singh Jat, r/o Kambo, whose cremation was carried out by Inspector Joginder Singh of Tarn Taran's Sadar police station on 22 October 1990 under FIR no. 94/90. The post-mortem report number is PS-67/90. The cause of death is given as "encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/01371. The main informant in the case is the victim's father Sadhu Singh.

Eighteen-year old Paramjit Singh, son of Sadhu Singh and Surinder Kaur, was a resident of village Kamoh, post office Maluwal, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. He was an Amritdhari Sikh. Paramjit was inclined towards the militant and political movement in Punjab at that time. He would often participate in religious and political functions.

Paramjit had left home around 16 October 1990. He did not return for a number of days. On 21 October his family learnt that Tarn Taran's Sadar police had killed Paramjit and three other youth near village Dugari. The others killed were Gurvel Singh, resident of Jawande, Mangal Singh, resident of Pakho Ke and Harbhej Singh, resident of Dharar. After getting this information, the family made inquiries at Tarn Taran and learnt that the police had cremated the bodies at the Tarn Taran cremation ground.

The following day, the next-of-kin of the other youth were also present at the cremation ground. They had visited the site of the alleged police encounter. They told Sadhu Singh, Paramjit's father, that the police had arrested the young men at Dugari after laying siege to the village. The militants, who the police had been trying to catch, however, escaped. The police instead killed these young men. The police had recorded their identification which shows that the police had asked them their names and addresses before killing them.

The CBI's first list of identified cremations records the cremations of Mangal Singh, son of Joginder Singh, resident of Pakhoke; Harbhej Singh, son of Angrez Singh, resident of Dharar; and Gurvel Singh, son of Joginder Singh, resident of Jawande, Under serial nos. 92/267, 93/268 and 94/270. They were cremated under the same FIR no. 94/90 by Inspector Joginder Singh of Tarn Taran's Sadar police station. Their summaries are discussed in the appropriate section.

5. Under serial no. 21/284(a), the CBI list partially identifies Balwant Singh alias Banka, r/o Pandori Sidwan, whose cremation was carried out by inspector Jagdish Singh of Tarn Taran's Sadar police station on 6 November 1990 under FIR no. 107/90. The post-mortem report number is PK-5/90. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/01369. The main informant in the case is the victim's brother Balwinder Singh.

Twenty-two year old Balwant Singh, son of Gurdeep Singh and Gurbachan Kaur, was a Mehra Sikh resident of village Pandori Sidhwan, post office Pandori Ran Singh, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. He was an Amritdhari Sikh. Balwant Singh attended school until the middle level and then began working as a labourer.

Although Balwant Singh was a supporter of the political and militant movement in Punjab at that time, the police had never arrested him or registered a case against him. However, the police had registered a case against his brother Balwinder Singh, alleging that he had links with militants.

Balwant Singh started staying away from home during the last week of August or September 1990, because the Jhabbal police had started raiding their house to arrest him. The police picked up his father and brother Balwinder and detained them in illegal custody for ten days. The police registered a case against Balwinder for the second time and sent him to jail.

Even though the police have shown that Balwant Singh was killed in an encounter on 5 November 1990, his family only learnt of his death three months later, when a young man visited them and told them that Balwant had been killed in an encounter

near village Jandoki Sarhalli by the Tarn Taran police. This young man had been detained in the custody of Tarn Taran's Sadar police and sent to jail after a case was registered against him. On his release he came to Balwant's house to inform his family. The youth did not disclose his name or address.

After getting this information, Balwant's family went to the Tarn Taran's Sadar police station. They were shown and recognised Balwant's clothes and shoes. The police told them that Balwant had been killed in an encounter, and this had been reported in the news.

6-7. Under serial nos. 24/297, 25/301 and 26/302, the CBI list partially identifies three persons whose cremation was carried out by SHO/Inspector Jagdish Singh of Tarn Taran's Sadar police station on 29 November 1990 under FIR no. 116/90. Their names are [1] Mukhtiar Singh alias Mukha, s/o Hardeep Singh and [2] Gurdeep Singh Mehra, r/o Pakhoke. The post-mortem report numbers are SS-37/90, SS-37/90 and PS-38/90, respectively. The cause of death is given as "firearm injuries".



Gurdeep Singh

The committee has gathered the following information about these cases from its incident report form no. CCDP/01149. The main informant in this case is Gurdeep Singh's mother Sawinder Kaur.

Eighteen-year old Gurdeep Singh, son of Darshan Singh and Sawinder Kaur, was a resident of Pakho ke village, Lehndi Patti, under Tarn Taran's Sadar police station, in Tarn Taran sub-division of Amritsar district. Gurdeep left school to become a tailor and established his own shop. He was unmarried and lived with his parents. According to Sawinder Kaur, her son was not involved with any political or militant activities. He had never been arrested or interrogated before his murder.

Around 9 a.m. on 28 November 1990, Gurdeep had gone to Tarn Taran to purchase some merchandise for his shop, but he did not return home in the evening. Gurdeep's mother became very worried and made inquiries. Someone in the village said that the officers of Sadar police station had arrested Gurdeep in Tarn Taran city. She hoped the suggestion was just a rumour.

In the afternoon on 29 November 1990, Gurdeep's family members learnt that he had been killed in an encounter along with some others. Sawinder Kaur immediately rushed to Tarn Taran police station and came to know that the bodies had been taken for cremation. The policemen had already left the scene when she reached the cremation ground. The pyres were still burning. The attendants of the cremation ground told her that the police had brought two bodies.

On 30 November 1990, several Punjabi newspapers published a report, based on police sources, claiming that the Tarn Taran police had killed two militants, including Baghel Singh from Hoshiarpur district. The report identified Gurdeep Singh as the second person killed in the encounter.

It is not known why Baghel Singh and Mukhtiar Singh share the same post-mortem report number of SS-37/90.

8. Under serial no. 27/359, the CBI list partially identifies the 21 March 1991 cremation of Salwinder Singh alias Sandhu, r/o Talwandi Chanchak, carried out by SHO Surinder Singh of Valtoha police under FIR no. 25/91, dated 20 March 1991. The post-mortem report number is listed as not applicable. The cause of death is given as “cyanide consumption”.

The committee has gathered the following information about this case from its incident report form no. CCDP/01373. The main informant in the case is the victim's wife Jasbir Kaur.

Thirty-nine year old Satinder Singh alias Salwinder Singh, son of Preetam Singh and Tej Kaur, was a resident of village Talwandi Mutsadda Singh, post office Ghariala, under Patti police station, in Patti sub-division of Amritsar district. He had completed his primary education. Satinder Singh was married to Jasbir Kaur and they had two sons and a daughter. Satinder Singh was a farmer.

Preetam Singh, the father of Satinder Singh, is a retired “subedar” of the Indian army. His older son Bhupinder Singh is also a retired “subedar” of the Indian army. The younger son Satinder was engaged in agricultural farming. Satinder Singh had no political or militant background. The police had never arrested him or registered a case against him.

On 20 March 1991 at about 5 p.m., the Valtoha police, riding three vehicles, raided his village. Satinder Singh was on his way to his fields. The police party picked him up and brought him to his house. They searched the house for half an hour. Satinder Singh stood near the police during the search. Villagers assembled there while the police conducted the search. Nothing incriminating was recovered from the house. The police then took Satinder Singh to the godown of the village society. On the way, they started to torture him. The police slapped the villagers who protested at the torture of Satinder Singh. The police demanded information about a militant called Surjit Singh Jhankar as they beat Satinder with lathis. They alleged he had received medical treatment while staying at Satinder Singh's house. According to eyewitnesses from the villagers, Satinder Singh's condition became critical with the beating. The police then pushed him into their vehicle and took him away.

The following day, family members and eminent villagers and a tractor full of people went to police station Valtoha. Surinder Singh, the SHO at Valtoha, told them to inquire at Patti. When the villagers reached Patti they were told that Satinder Singh was not there. They then went to the hospital where they learnt that the Valtoha police had just left after finishing the post-mortem of a man. The villagers then rushed to the Patti cremation ground. The police had just lit the pyre when the family and other villagers reached there. The feet of the body on the pyre were visible.

The next day, newspapers reported, from police sources, that a dreaded militant Satinder Singh had committed suicide by consuming cyanide after being surrounded by police near Talwandi Chan Chack.

9-15. Under serial nos. 28/404, 29/405, 30/406, 31/407, 32/408, 33/410, and 34/411, the CBI list partially identifies seven cremations carried out by Inspector Jagdish Singh of Tarn Taran's City police station on 9 May 1991 under FIR no. 66/91. Their names are: [1] Sindhi, r/o Jammu, [2] Harjinder Singh Pehlwan, [3] Lakhwinder Singh alias Lakha, r/o Takhtoo Chak, [4] Jagtar Singh, r/o Bhorsi, [5]

Lakhwinder Singh, r/o Mogal Chak, [6] Major Singh alias Mehar Singh, and [7] Lakhwinder Singh alias Lakha, r/o Taktoo Chak. Their post-mortem report numbers are, respectively, HK-31/91, HK-59/91, HK-14/91, HK-28/91, HK-29/91, HK-14/91, and HK-14/91. Thus, three people have the same post-mortem report number of HK-14/91. The cause of death for Sindhi and Harjinder Singh is given as “firearm injuries”. The cause of death for the others is given as “police encounter”.

The committee has gathered the following information about these cases from its incident report form no. CCDP/01358. The main informant is Amrik Singh, the father of Lakhwinder Singh, resident of Mughal Chack.

Twenty-seven year old Lakhwinder Singh alias Lakha, son of Amrik Singh and Darshan Kaur, was a resident of village Mughal Chack Pannuan, post office Tarn Taran, under Tarn Taran’s Sadar police station, in Tarn Taran sub-division of Amritsar district. He was a farmer. His father Amrik Singh was an ex-serviceman and had six sons and two daughters. Two of Amrik Singh’s sons served in the army. Neither Lakhwinder nor his family had any political or militant connections. The police had never registered a case against Lakhwinder.

In the first week of May 1991, Lakhwinder Singh had gone to meet his cousin-sister, Bansi, at village Rataul, near Tarn Taran. The police and security forces, led by senior police officers of Tarn Taran police district, had surrounded village Rataul on the suspicion that militants were hiding there. The police assembled all of the villagers at one place. They arrested Lakhwinder Singh and several other persons, after asking all of the villagers to disclose their identity. The siege of the village continued for three days. An encounter ensued between the police and the militants, resulting in the death of a DIG. The police took revenge on the villagers, severely beating several villagers.

Lakhwinder’s family learnt of his death from a newspaper report that published a picture of his body. The police did not give them his body or inform them of his cremation. In the newspaper report, the police declared that Lakhwinder Singh was a militant. It is not known why the police cremated the six other people under the same FIR no.

16-18. Under serial nos. 38/429, 39/430, and 40/431, the CBI list partially identifies three persons cremated by Tarn Taran’s City police station on 4 June 1991 under FIR no. 79/91. SI Gulzar Singh requisitioned the cremation of Sandeep Singh alias Happy. Inspector/SHO Jagdish Singh requisitioned the cremations of Baldev Singh, r/o Rurasal, and Paramjeet Singh, r/o Malia. The post-mortem report numbers are GSD-17/91, GSD-18/91, and GSD-19/91. The cause of death is given as “police encounter”.

The committee has gathered the following information about these cases from its incident report form no. CCDP/01359. The main informant in the case is Kandhara Singh, the father of Baldev Singh.

Eighteen-year old Baldev Singh, son of Kandhara Singh and Amar Kaur, was a resident of village Roore Asal, post office Tarn Taran, under Tarn Taran’s Sadar police station, in Amritsar district. He worked as a compounder, or a druggist assisting a doctor in Tarn Taran. Baldev had two brothers. Baldev used to go to work daily

on his bicycle, returning every evening. He did not have a political or militant background, and had never been arrested by the police.

On 3 June 1991, around 8 a.m., Baldev Singh left for work as usual, but did not return home that night. The next morning, when Baldev's family contacted the doctor's clinic where Baldev worked, they were told that Baldev had left for home in the evening after work, as usual. At noon that day, Baldev's family received information that Baldev Singh was one of other boys killed by the police in an encounter near village Deenpur. For two to three days, the family tried to learn more about this incident. On the fourth day, Major Singh, the SHO of Tarn Taran's Sadar police station, told one of Baldev's relatives that Baldev had indeed been killed near village Deenpur and the police had cremated his body on 4 June 1991. The family then collected his ashes from the Tarn Taran cremation ground.

Baldev Singh's family feels that Baldev's murder may have been initiated by some people in the village with whom they had a dispute over land. Even after Baldev's death, the police arrested and brutally tortured Kandhara Singh and his sons on the initiation of the person with whom they had this dispute. This party used to lodge false complaints against them with the police.

19-20. Under serial nos. 43/496 and 44/497, the CBI list partially identifies two cremations carried out by Johar Singh of Tarn Taran's Sadar police station on 19 August 1991 under FIR no. 107/91. They are: [1] Tarsem Singh alias Ladhi, r/o Khalra, and [2] Baldev Singh, r/o Meharbanpura. The post-mortem report numbers are SK-2/91 and SK-3/91. The cause of death is given as "fire arm injuries".

The committee has gathered the following information about these cases from its incident report form no. CCDP/01473. The main informant in this case is Tarsem Singh's father Nirmal Singh.

Tarsem Singh alias Laadi, resident of Thatta village, post office Sarhalli Kalan, under Harike police station, in Tarn Taran sub-division of Amritsar district, was the 17-year old eldest son of Nirmal Singh and Harjinder Kaur. Nirmal Singh, the father of two sons and a daughter, was a prosperous farmer in the area, as well as a grain merchant.

In 1989, Tarsem was arrested by the Ferozepur police while he was visiting his maternal grandparents at village Araniwala. He was implicated in a criminal case under TADA and the Arms Act. He was then a student of the 8th standard. Tarsem remained in jail for nine months and, following his release on bail, began to help his father with the agricultural work.

Around 5 a.m. on 18 August 1991, a large police force, also including a unit of the CRPF, raided Nirmal Singh's house and arrested Tarsem from his farmhouse. The police officials told Nirmal Singh that his son had to be interrogated at the CIA staff center at Amritsar. However, when Nirmal Singh, accompanied by other family members and village elders, visited Amritsar he could not find out anything about Tarsem's location. He also went to the Mall Mandi and the B. R. Model School Interrogation centers, but the officials there said they were not holding him.

On 20 August 1991, newspapers in Punjab published a report about an encounter in which Tarsem Singh, along with Baldev Singh Nikku, resident of Meharbanpur, and Bikkar Singh alias Bikram, resident of Deoo, were declared to have been killed.

The encounter had allegedly taken place near village Deoo. After reading the report, Nirmal Singh approached the Tarn Taran police again and was told that the bodies had already been cremated. He was allowed to collect the ashes.

Bikkar Singh's cremation on 19 August 1991, carried out by Johar Singh of Tarn Taran's Sadar police station under FIR no. 107/91, is included in the CBI's list of identified cremations. The case has been discussed in the section dealing with the cases that figure in that list. The CBI has included the cremations of Tarsem Singh alias Laadi and of Baldev Singh, carried out by Johar Singh of Tarn Taran's Sadar police station under the same FIR, for some strange reason, in its list of partially identified cremations Under serial nos. 43/496 and 44/497. Also, the list wrongly identifies the village of his residence as Khalra.

According to Nirmal Singh, the police later arrested his brother-in-law Hardeep Singh, son of Karam Singh, resident of village Thatta, and also killed him in a fake encounter.

21. Under serial no. 46/533, the CBI list partially identifies the cremation of Balbir Singh alias Beera alias Jonty, r/o Koharka, carried out by SI/SHO Ram Nath of Patti police station on 27 September 1991 under FIR no. 139/91. There is no post-mortem report number. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/01506. The main informant in this case is the victim's elder brother Jassa Singh.

Eighteen-year old Balbir Singh alias Bira, son of Daler Singh and Bachan Kaur, resident of village Kuharka, post office Shahbazpur, under Patti police station, in Patti sub-division of Amritsar district, was the youngest of four farmer brothers whose parents had expired. According to his elder brother Jassa Singh, Balbir had no connection with the militant movement and was generally looked down upon by the orthodox Sikh community for being an alcoholic. He was unmarried and had never been arrested or interrogated by the police.

On 23 September 1991, a large contingent of officers from the Patti police station and Kairon police post conducted a combing operation in village Kuharka, to identify and nab suspected militants. Balbir was drunk on that day and on seeing the police became nervous and started running back to his house. Some policemen noticed this and chased him to his house and took him into custody. After the operation, Balbir was pushed into a police jeep and taken away in front of many villagers.

The following day, the head of the village council led a delegation comprising the family members and other villagers to the police post Kairon where the officers said that Balbir was not in their custody. Patti police also refused to give any information.

Three days after his arrest, Balbir was declared killed in an encounter staged near village Gopala. His body was cremated by the Patti police without the knowledge of the family members. They were, however, allowed to collect his ashes.

22. Under serial no. 56/580, the CBI list partially identifies the cremation of Satnam Singh, r/o Jand, carried out by SHO Puran Singh of Harike police

station on 25 November 1991 under FIR no. 68/91. The post-mortem report number is SS-51/91. The cause of death is given as “encounter”.

The committee has gathered the following information about this case from its incident report form no. CCDP/01367. The main informant in the case is the victim's brother Niranjan Singh Granthi.

Twenty-five year old Satnam Singh, the youngest of four sons of the late Baba Karnail Singh and Jeeto, was an Amritdhari Sikh farmer resident of village Jand, post office Mane Ke, under Valtoha police station, in Tarn Taran sub-division of Amritsar district. Although Karnail Singh's ancestral village was Shaheed, he had lived in Jand since childhood. Karnail Singh, a *granthi* and leader of the village Gurdwara, was a renowned religious personality of the area.

Satnam Singh was very friendly with one of his relatives Natha Singh, son of Dalip Singh, who was involved in militant activities. The police had never arrested Satnam Singh for any reason.

On 24 November 1991, Satnam Singh and Natha Singh, resident of Talwandi Sobha Singh in Tarn Taran sub-division, were going to meet their cousin sister Bhajan Kaur who lived with her in-laws in the village of Pangota. Both men were riding a bicycle and had nearly reached Pangota. The Harike police near Pangota arrested both Satnam and Natha Singh and pushed them into their vehicles.

Bhajan Kaur's family learnt of the abduction almost immediately. Pashaura Singh, Bhajan Kaur's husband, then informed the family in Talwandi Sobha Singh. That same day, the police showed both Satnam Singh and Natha Singh as having been killed in an encounter near village Sargana. The police declared Satnam Singh as unidentified although Natha Singh was named in newspaper reports on the incident. On 25 November, the police cremated their bodies at Patti cremation ground. Families of both young men attended the cremation.

23 - 24. Under serial nos. 58/592 and 59/593, the CBI list partially identifies two cremations carried out by SHO Subha Singh of Jhabbal police station on 11 December 1991 under FIR no. 157/91. They are of [1] Balwinder Singh alias Binda, s/o Dalip Singh, and [2] Gurmej Kour, w/o Dalip Singh. There are no post-mortem report numbers. The cause of death is given as “police encounter”.

The committee has gathered the following information about these cases from its incident report form no. CCDP/01349 and 01350. The main informant is Dalip Singh, the father of Balwinder Singh and husband of Gurmej Kaur.

Twenty-year old Balwinder Singh, son of Dalip Singh and Gurmej Kaur, was a resident of Patti Masoor Ki in village Gaggo Booha, under police station Jhabbal, in Tarn Taran sub-division of Amritsar district. An Amritdhari Sikh, he was illiterate and the youngest of three brothers. He worked as a farmer.

In 1989-90 Balwinder became attracted to the militant movement. He deserted home to join the militants. This started a cycle of police repression against the family. The police of Jhabbal, Bhikhiwind and Amritsar police station repeatedly raided their house and picked up Balwinder's father and brothers. The family was subjected to inhuman torture and illegal detention for days at a time, and sometimes for months.

On 9 December 1991, police parties led by SSP Ajit Singh Sandhu and SP Khubi

Ram of Tarn Taran police district and SHO Suba Singh from Jhabbal police station, laid siege to the village. They suspected that Balwinder was in the village. The siege continued throughout the night. The police assembled all of the men of the village in one place. On the morning of 10 December, the police learnt where Balwinder was hiding and started firing in the direction of that house. At about 11 a.m., while the firing continued, SHO Suba Singh of Jhabbal reached Balwinder's family's home with a police party. Only his mother Gurmej Kaur was at home. The police then brought her to the house where Balwinder was supposed to be hiding and asked her to go in. Gurmej Kaur refused to do so. The police then pushed her forcibly towards the house firing from behind. They believed that, on seeing his mother, Balwinder would come out. When they did not succeed in drawing Balwinder out, they shot Gurmej Kaur dead.

A short while later Balwinder Singh came out and he was also killed in an encounter with the police some two to three acres away. Villagers witnessed this encounter.

The family learnt of the killing of Gurmej Kaur from the people who had served food to the police. The villagers also saw the police taking away the bodies of Gurmej Kaur and Balwinder Singh. The police did not inform the family and cremated the bodies at Tarn Taran cremation ground. On coming to know this, the family collected the ashes of both mother and son.

Dalip Singh says that since his son Balwinder was a militant and there was an encounter between him and the police, he has no grudge against the police for his death. However he says a great atrocity had been committed against them with the killing of his wife Gurmej Kaur.

Dalip Singh says that even after this incident the police continued to arrest them subjecting them to inhuman torture. After the incident, Bhikhiwind police arrested and tortured Dalip Singh. The police directed him to help get other militants arrested. The SHO of Bhikhiwind, Teg Bahadur Singh, finally released Dalip Singh, only after a bribe of Rs. 5,000 was paid.

In another incident, the Jhabbal police raided Dalip Singh's house. On seeing the police, Avtar Singh, Dalip Singh's son, tried to slip away. The police opened fire and a bullet hit Avtar Singh's foot. The police took Avtar Singh away in an injured condition. They detained him in illegal custody for 15 days. They did not give him proper medical attention and Avtar Singh's injury has still not healed.

25 – 26. Under serial nos. 66/666 and 67/667, the CBI list partially identifies two cremations carried out by SI/SHO Puran Singh of Patti police station on 26 April 1992 under FIR no. 28/92. They are of [1] Jagir Singh alias Lalli, r/o Verowal, and [2] Buta Singh, r/o Manda. The post-mortem report numbers are SLG-19/92 and SLG-20/92, respectively. The cause of death is given as “police encounter”.

The committee has gathered the following information about these cases from its incident report form no. CCDP/01378. The main informant in the case is Jagir Singh's father Hardev Singh.

Twenty year old Jagir Singh, son of Hardev Singh and Jagir Kaur, was a resident of village Verowal Bawian Wala, post office Verowal, under Verowal police station, in Tarn Taran sub-division of Amritsar district. He worked as an SPO in the Punjab Police. His father had been a constable in Faridkot Police.

During 1992, when Jagir Singh did not return home for quite some time, his family contacted his place of duty. They told him that Jagir Singh had deserted his post, taking his weapon with him. The family never heard from him again.

On 26 April 1992, newspapers reported that the police killed two militants, Surjit Singh of Munda Pind and Jagir Singh of Verowal, in an encounter near village Varnala Cheema in Tarn Taran police district. The police did not give the bodies of the dead youth to their families and instead cremated them at Patti cremation ground on 26 April 1992. Despite his identification in the news report, the CBI recorded Surjit Singh's name incorrectly as Boota Singh.

27 – 31. Under serial nos. 69/703, 70/704, 71/705, 72/706, and 73/708, the CBI List partially identifies five cremations carried out on 9 June 1992 by SHO Gurbachan Singh of Tarn Taran City police station under FIR no. 57/92. They are of [1] Surjeet Singh, r/o Behala, [2] Sikkatar Singh, r/o Behala, [3] Niranjana Singh, r/o Behala, [4] Madan Singh, alias Maddi, and [5] Kartar Singh, r/o Behala. The post-mortem reports are marked as PS-23/92, SN-10/92, SN-11/92, OPG-11/92, and OPG-22/92, respectively. The cause of death is given as “police encounter”.

The CBI List A of fully identified cremations duplicates the record of Niranjana Singh, s/o Boor Singh, r/o Behla, Under serial no. 121/392 and FIR no. 58/91. This cremation was reported as carried out on 18 April 1991 by Inspector Harbans Singh of Tarn Taran City police station.

The committee has gathered the following information about these cases from its incident report form no. CCDP/00343, 00378, 01374, 01375, and 01376. The main informants in these cases are Virsa Singh, son of Kartar Singh; Balwinder Kaur, wife of Niranjana Singh and mother of Sakatter Singh; Kuldeep Singh, brother of Sukhdev Singh Maddi; and Tarlok Singh, father of Surjit Singh Behla.

These five cremations and three others mentioned in the CBI's List of fully identified cremations Under serial nos. 188/707, 189/709 and 190/710, are connected with the killing of nine persons at Behla on 8 June 1992. Out of these nine, three were militants and six were villagers, unconnected to the militancy, who the security forces used as human shields to storm a house where the three militants were hiding.

On 8 June 1992 morning, a large mixed force of the Punjab police, Army and paramilitary, led by SSP Ajit Singh Sandhu and SP (operations) Khubi Ram, surrounded the old and abandoned house of Manjinder Singh, a former member of the Punjab Legislative Assembly, in village Behla. Apparently, militants associated with Surjit Singh Behla were using the house as a hideout. Twenty-four year old Surjit Singh Behla was the son of Tarlok Singh and resident of village Behla, post office Rataul, under Tarn Taran police station, in Tarn Taran sub-division of Amritsar district. He was married and had one daughter; his wife has since remarried and has taken their child with her.

Surjit Singh Behla, an Amritdhari Sikh, was a renowned militant and the senior leader of the militant group Bhindranwala Tigers Force. The police had also registered a case against him and started raiding his house after Surjit was released on bail. Surjit eventually left his house due to repeated police raids and arrests and had been underground for two and a half years before this incident.

One of Surjit Singh's associates also hiding out in the abandoned house in Behla

was 18 year old Sukhdev Singh, alias Maddi, son of Santokh Singh and Surjit Kaur, and also a resident of village Behla. After passing his matriculation, Sukhdev worked at a sugar mill in Sheron. He was also an Amritdhari Sikh. The police suspected that Sukhdev's older brother Kulbir Singh had links with militants and they had arrested and tortured Kulbir twice because of these suspicions. They also registered two cases against Kulbir. These experiences increased Sukhdev's sympathies with the militant movement. Later on, the Tarn Taran police led by SSP Ajit S. Sandhu also abducted and disappeared his father Santokh Singh. The ASI in charge of the Behla police post also confiscated 120 quintals of wheat from Sukhdev's family, then worth 180,000 rupees.

The third associate of Surjit Singh Behla was Harbans Singh, son of Mehr Singh from Sarhalli in Tarn Taran sub-division of Amritsar district.

Before storming the house, the police officers decided to round up seven or eight villagers from Behla to walk in front of the police force and to act as human shields. The following are the names of the six of those who got killed in the course of the operation that followed: [1] Kartar Singh, s/o Aasa Singh, [2] Niranjan Singh, s/o Boor Singh, [3] Sakatter Singh, s/o Niranjan Singh, [4] Lakhwinder Singh, s/o Channan Singh, [5] Gurmej Singh and [6] Ajit Singh, s/o Mangal Singh. The police randomly selected these people, and this had nothing to do with suspicions of their possible involvement with the militancy.

Sixty-two year old Kartar Singh, son of Aasa Singh and Mahinder Kaur, was married to Iqbal Kaur and had five children, two sons and three daughters. He was a farmer and had no political or militant connections. The police abducted him in the presence of his family. Kartar Singh's wife Mohinder Kaur died eight days later from shock of Kartar Singh's murder. His son, Virsa Singh, lost his job and was unemployed at the time of relating these experiences. Later, the police threatened his family with death if they initiated any legal action.

Twenty-five year old Sakatter Singh, son of Niranjan Singh and Balwinder Kaur, was married to Sharanjit Kaur and had two daughters. He was an Amritdhari Sikh and had no political or militant connections. He worked as a farmer with his father on their three acres of land. The police abducted him, his father Niranjan Singh, and his brother Sukhchain Singh while they were in their fields working.

Fifty-five year old Niranjan Singh, s/o Boor Singh and Kartar Kaur, was married to Balwinder Kaur. He was a farmer and owned three acres of land. He also made money by selling milk. Niranjan Singh had four children and had no political or militant connections.

After entering the house, the security forces discovered that the house had a basement but no door to enter it from inside. They demolished the floor that was the cellar's roof. When the militants holed up inside opened fire, the police pushed the eight villagers to the front and used them for cover as they fired back. Six villagers and the three militants died. Two others were seriously injured but survived: the sarpanch of the village and Niranjan Singh's other son Sukhchain Singh. The encounter lasted 32 hours.

In the evening of 9th June, the police removed the bodies of all nine people and cremated them at Tarn Taran. Only Ajit Singh's family was allowed to attend the cremation; none of the other families were allowed to perform the last rites.

The next morning, the police told the press that they had killed nine militants in

the action. Several newspapers published reports questioning the police claims and explaining the police's use of the six villagers as a human shield. The Punjab government later announced an inquiry into the incident, but that was never carried out.

The CBI's list fully identifies the cremations of Ajit Singh, Lakhwinder Singh, and Harbans Singh, one of the militants, Under serial nos. 188/707, 189/709, and 190/710. It also mentions the cremation of Niranjn Singh, s/o Boor Singh, r/o Behla Under serial no. 121/392. However, for some reason, this cremation is listed as having occurred a full year earlier and under a different FIR no. Niranjn Singh's cremation is again mentioned in the partially identified list. The information to identify all was available to the police and had been published in newspaper reports. Thus, it is not clear why the CBI placed some of the victims in the partially identified list.

Neither the fully identified list nor the partially identified list accounts for the body of Gurmej Singh, one of the eight villagers forced to form the human shield. The CBI's list of unidentified cremations also does not show any cremations on 9 June 1992.

32 – 35. Under serial nos. 80/732, 81/733, 82/735, and 83/736, the CBI list partially identifies four cremations carried out by SHO Darshan Singh of Tarn Taran's Sadar police station on 29 June 1992 under FIR no. 53/92. They are of [1] Dilbagh Singh alias Baggha, r/o Kothi Mala, [2] Pargat Singh alias Pagga, r/o Kadgil, [3] Jai Mal Singh, r/o Takhtu Chak, and [4] Joga Singh, r/o Malmohari. The post-mortem report numbers are given as GSD-34/92, GSD-37/92, GSD-36/92, and GSD-35/92, respectively. The cause of death is "police encounter".

The committee has gathered the following information about these cases from its incident report form no. CCDP/01237, 01253, 01368, and 01356. The main informants are Samund Singh, father of Dilbagh Singh; Rajbir Kaur, sister-in-law of Pargat Singh; Gurditt Singh, father of Jaimal Singh; and Ajit Singh, father of Joga Singh.

Dilbagh Singh, son of Samund Singh and Mohinder Kaur, was a resident of village Kadd Gill, Patti Ratton Walian Da, under Tarn Taran's City police station, in Tarn Taran sub-division of Amritsar district. Dilbagh Singh, an Amritdhari Sikh, was the youngest of four brothers. One of his brothers was a Constable in the Punjab Police, and another served in the army.

The Tarn Taran Sadar police had arrested Dilbagh Singh once alleging that he had links with the militants. However, the village panchayat intervened and secured his release. Gradually, Dilbagh's interest in militant activities increased and he joined the ranks of the militants. When the police learnt this, they began harassing his family. The police used to illegally detain Dilbagh's father, brother and minor nephews, among other relatives.

Twenty-one year old Pargat Singh, son of Avtar Singh and Shingar Kaur, was a resident of village Kadd Gill, Patti Rattu Wali, in Tarn Taran sub-division of Amritsar district. Pargat Singh, together with his elder brother, used to help his father with his agricultural work. Pargat Singh was once arrested on the suspicion of his involvement in an incident of terrorist crimes committed in his own village. But the court found insufficient evidence and released him on bail after five months.

Thirty-five year old Jaimal Singh, son of Gurditt Singh and Surjit Kaur, was a resident of village Takhtu Chak, under Verowal police station, in Tarn Taran

sub-division of Amritsar district. Jaimal, an Amritdhari Sikh, was married to Kans Kaur and they had two children, a boy and a girl. Jaimal's family, including his three brothers, owned two acres of land. Jaimal worked as a manual labourer to make ends meet.

In 1992 the police started raiding their house in order to arrest Jaimal. From fear of the police, Jaimal then left home and never returned. After Jaimal absconded, the police of Jandiala Guru and Khadur Sahib started detaining his father and children, among other relatives.

Eighteen-year old Joga Singh, son of Ajit Singh and Jeet Kaur, was a resident of village Malmohari, Tahli Walian Di Patti, post office Naurangbad, under Tarn Taran's Sadar police station, in Tarn Taran sub-division of Amritsar district. He was an Amritdhari Sikh and worked as a laborer. His father was the village watchman and also used to sell general goods at different fairs. In May 1992, some armed youth came to his house, beat up Joga Singh and took him along with them. The family members said that they did not know why this happened. Joga Singh did not return home after that.

On 28 June 1992, a police party from Amritsar police district surrounded a farmhouse at village Khabbe. Dilbagh Singh, Jaimal Singh, resident of Takhru Chakk under police station Verowal, and Joga Singh were present there. The police shot all three of them dead. Apart from this, the same police party killed Pargat Singh. According to his sister-in-law, in the afternoon on 28 June 1992, Pargat Singh was going towards his farm house when a large police force from Tarn Taran raided a neighboring house in which some militants had taken shelter. Seeing the police, Pargat Singh started running away, but was caught. He was taken away for interrogation. Another young man namely Bittu, resident of Kairon, who was visiting his sister at village Khabbe, was also arrested by this police party. Initially, he and Pargat Singh were locked up in a room. Later on, the police showed both of them also as having been killed in an "encounter".

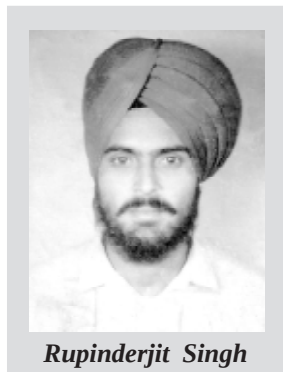
On 30 June 1992, several newspapers in Punjab, including *Ajit* and *Jagbani*, published a report about the encounter declaring that five militants had been killed by the Amritsar and Tarn Taran police. The report identifies all five people. At the time of this news report, the Lopoke police were illegally detaining Jaimal's father, his two children, and two nephews. The police released them four days after the publication of the news report.

The police did not give the bodies to the families. Nor did it inform them of the cremations.

The CBI list of partially identified cremations has correctly identified the residences of all except for Dilbagh. The cremation of Bittu, son of Amrik Singh and resident of Kairon, is not recorded.

36. Under serial no. 84/746, the CBI list partially identifies the cremation of Rupinderjit Singh, s/o Bhajan Singh Kang, carried out by Swarn Singh of Verowal police station on 7 July 1992 under FIR no. 32/92. The post-mortem report is marked as PS-31/92. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/00085. The main informant is Tejinderjit Singh, the brother of Rupinderjit Singh.



Rupinderjit Singh

Twenty-two year old Rupinderjit Singh, son of Bhajan Singh and Gian Kaur, was a resident of village Kang, Patti Talwandi Di, under Tarn Taran police station and sub-division of Amritsar district. He was unmarried and had one sister and one brother.

On 1 June 1992, at 3 p.m. a uniformed police party from C.I.A. staff Hoshiarpur abducted Rupinderjit Singh from his shop Kang Medical Store on Jandiala Road, Tarn Taran. The police registered a false case against him on 11 June 1992 at the Tanda police station. The police produced him in a Court in Dasuya and the magistrate sent him to Jalandhar Jail. Rupinderjit's family met him several times in Jalandhar Jail.

On 1 July 1992, Rupinderjit Singh was brought to Verowal Police station (Khadur Sahib) on remand by SHO Swaran Singh, and his family continued to meet him at Verowal police station. They met him daily from 1 July to 5 July 1992. The last person to see him from the family was his brother Tejinderjit Singh at 7 p.m. on 5 July. On 6 July 1992, his family went as usual at 7 p.m. to give him food. They became suspicious when food was not accepted for Rupinderjit.

The police said an encounter occurred at 4 a.m. on 7 July, near village Gagrewal, but the family learnt about the death of Rupinderjit Singh when Dr. Paramjit Singh conducted his post-mortem at Civil hospital Tarn Taran. The police themselves cremated Rupinderjit Singh's body. The family found Rupinderjit's shoes at the cremation ground. The news of the encounter was printed in the Punjabi dailies *Ajit* and *Jagbani* on 7 July 1992. The family filed a habeas corpus petition in the Punjab and Haryana High Court.

37. Under serial no. 89/807, the CBI list partially identifies the cremation of Kuldeep Singh, r/o Kitli Basawa Singh, carried out by Sita Ram of Harike police station on 15 August 1992 under FIR no. 43/92. The post-mortem report number is KS-47/92. The cause of death is given as "firearm injuries".

The committee has gathered the following information about this case from its incident report form no. CCDDP/ 01377. Residents of Kuldeep Singh's village were informants in this case.

Kuldeep Singh was the son of late Harbhajan Singh. He was a resident of village Talwandi Wasava Singh, post office Rattuke Gurdwara, under Valtaha police station, in Tarn Taran sub-division of Amritsar district. Kuldeep Singh and his brother Pala Singh were orphaned when they were young. The brothers were raised in the village Gurdwara. At present there is no family member living in the village. Pala Singh is employed as a *granthi* in the Gurdwara at village Harihar Jhok in district Ferozpur.

The police arrested Kuldeep Singh from the Gurdwara of village Poohla about ten to 15 days before he was killed. Later the Harike Police reported that a police party led by the DSP of Patti and the SHO of Patti killed Kuldeep Singh and another unidentified militant in an encounter.

Newspapers reported this incident on 16 August 1992. Both men killed in the encounter were cremated at Patti cremation ground by the police.

38. Under serial no. 91/843, the CBI list partially identifies the cremation of Avtar Singh alias Thakur Singh alias Pappu alias M.P., r/o Rasoolpur, carried out by SI Raghbir Singh of Harike police station on 17 September 1992 under FIR no. 46/92. The post-mortem report number is SLG-83/92. The cause of death is given as “police encounter”.

The committee has gathered the following information about this case from its incident report form no. CCDP/01353. The main informant in the case is the victim's brother Jagtar Singh.

Twenty-five year old Avtar Singh alias “M.P.”, son of late Sucha Singh and Veer Kaur, was an Amritdhari Sikh resident of village Rasoolpur (Nehran), under Tarn Taran's Sadar police station, in Tarn Taran sub-division of Amritsar district. He was the youngest of four brothers and three sisters. Avtar Singh was married to Lakhwinder Kaur and had two children.

After matriculation, Avtar Singh set up a poultry farm. However, due to fear of militants, he closed it down and bought a taxi.

Around 1988, Avtar Singh became attracted to the militant and political movement in Punjab. Due to repeated police harassment and torture in illegal custody, he abandoned his home in 1990. After Avtar Singh left, the police started harassing his brothers and other family members and relatives. They would pick up any male member of the family, coercing him to produce Avtar Singh. This process of harassment continued for about one to one and a half years. The family business and agricultural operations came to a stand still as the family started staying away from home.

In May - June 1992, Avtar Singh was produced before DSP (D) Tarn Taran, Dalip Singh. The police interrogated him for 14 days at C.I.A. staff Tarn Taran. Thereafter his background was cleared and the police released him. A week later, he was again detained by the Tarn Taran's Sadar police on the pretext that he had surrendered to them. On the following day, IG Bhullar visited Tarn Taran's Sadar police station. A newspaper and TV station reported the surrender of Avtar Singh and several other militants. The police sent him home that day. However Avtar Singh now feared that militants would see his alleged surrender as treason. Avtar Singh started living in hiding. On the other hand, the police started raiding his house again. When they did not find him there, they would harass his family. The family told the police several times that Avtar Singh was staying away because of the fear of militants but the police did not listen to them.

On 17 September 1992, the family read a news item in the Punjabi daily *Jagbani*, of three militants killed in an encounter by the police near village Alipur- Nabipur under Harike police station; one was identified as Avtar Singh alias M.P. In that news item, the police identified another militant as Manjinder Singh, resident of Manochahal.

After reading this, Avtar Singh's brother and other villagers went to Tarn Taran's Sadar police station. They were threatened by the police and came home quietly. Later, the family learnt that the police had arrested Avtar Singh and the other man who was killed had already been in custody of C.I.A. Staff Tarn Taran. The police did not give the family his body or inform them about the cremation.

Under serial no. 226/844, the CBI's first list identifies the 17 September 1992 cremation of Manjinder Singh alias Shamsher Singh alias Shera, s/o Jasbir Singh, r/o Muchhal, carried out by SI Ragbir Singh of Harike police station under FIR no. 46/

92. The post-mortem report is marked as SLG-84/92. The cause of death is given as “police encounter”. The unidentified cremation of the same day is recorded in the CBI’s 3rd list of unidentified cremations, Under serial no. 529/845.

39. Under serial no. 93/867, the CBI list partially identifies the cremation of Hardeep Singh alias Bittoo, r/o Bugha, carried out by SI/SHO Govinder Singh of Valtoha police station on 7 October 1992 under FIR no. 55/92. The post-mortem report number is SLG-78/92. The cause of death is given as “police encounter”.

The committee has gathered the following information about this case from its incident report form no. CCDP/01357. The main informant in the case is the victim’s father Jagir Singh.

Eighteen-year old Hardeep Singh alias Lalli, son of Jagir Singh and Gurmeet Kaur, was a resident of village Bugge, post office Tarn Taran, under Tarn Taran’s City police station, in Amritsar district. He was unmarried and was a student at Sports College, Urmur Tanda in Hoshiarpur. He was cleanshaven and did not have any political or militant background. The police had never arrested him before this incident.

On 25 September 1992, at 7 a.m. ASI Dalbir Singh, in charge of Sabhran police post, led a police party of seven to eight policemen and raided Hardeep Singh’s house. They arrested Hardeep, telling his family they needed him in connection with a case and that the family should come to Sabhran police post.

For two to three days, the family and prominent villagers visited Sabhran police post, and ASI Dalbir Singh continued to promise to release him. Four days later, ASI Dalbir Singh told Jagir Singh, Hardeep’s father, that he could no longer secure Hardeep’s release and Jagir Singh should talk to the DSP of Patti. The family met the DSP of Patti who advised them to contact SSP Ajit S. Sandhu. For a number of days, the family looked for an intermediary who could take them to the SSP. In the meantime, the ASI informed them that he had sent Hardeep Singh to Valtoha police station under orders from his superiors.

On 6 October 1992, at 4 p.m. Jagir Singh and another resident of Bugge met SSP Sandhu. Sandhu flatly refused to release Hardeep. On 7 October 1992, when the family visited Valtoha police station, they learnt that the police had killed two youth the previous night and had taken their bodies to Patti cremation ground. On 8 October 1992, the Punjabi daily *Ajit* reported that the police had killed militant Narain Singh, resident of Chhota Ghariala, and an unidentified militant in an encounter near village Jand Mane Ke. The police revealed the name of the unidentified militant as Hardeep Singh when they had the post-mortem conducted at the hospital.

The family later collected Hardeep’s ashes from the cremation ground.

40 – 41. Under serial nos. 101/902 and 102/903, the CBI list partially identifies two cremations carried out by SI Sita Ram of Patti police station on 7 November 1992 under FIR no. 67/92. They are of [1] Deedar Singh alias Shapa, Area Commander, Valtoha, and [2] Sukhchain Singh alias Chaina. There are no post-mortem report numbers. The cause of death is given as “police encounter”.

The committee has gathered the following information about these cases from

its incident report form no. CCDP/01361. The main informant is Deedar Singh's father Mangal Singh.

Twenty-four year old Deedar Singh, son of Mangal Singh and Mohinder Kaur, was a resident of village Chhapa, post office Baghiari, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. He worked as a laborer. Deedar did not have a militant background. His brother Tarlochan Singh had joined the militancy, and thus, the police used to harass his family members often.

In the evening on 1 November 1992, a police party led by ASI Dalbir Singh, the in-charge of police post Sabhran, raided village Chhapa and arrested Deedar Singh. On 3 November 1992, at 7 a.m. the same police party raided the house of Tarlok Singh, son of Jarnail Singh, resident of the same village and a cousin-brother of Deedar. The police also arrested Tarlok Singh.

The family members immediately went to the Jhabbal police station, but the police denied the arrest of Deedar. The family then went to Bhikhiwind police station. There, they learnt that the police party that had arrested Deedar had come from Patti police station. The family and eminent villagers went to meet the SHO of Patti, Sita Ram, who denied custody of any boy by the name of Deedar. The family members then approached Communist Party leader Satpal Dang, who spoke to SP (operations) Khubi Ram. Ram told him to send the family members to him.

On 6 November 1992, Tarlok's brother Kulwant Singh and the village Sarpanch met the SP (operations) of Tarn Taran, Khubi Ram. He told them to return the next day to take their boys home. The next day, the police officers were busy because of the visit of a prominent person. That evening, the family members learnt that Deedar Singh and Tarlok Singh and two other youth had been shown killed in an encounter with the police near village Sabhran.

On 8 November 1992, newspapers published a report based on police claims by the Patti police to have killed four militants in an encounter near Sabhran. The report identified Sukhchain Singh, s/o Harbhajan Singh, and Deedar Singh, resident of Chhapa. Tarlok Singh was not identified. Tarlok Singh's cremation is listed in the CBI's third list of unidentified cremations Under serial no. 554/904 with post-mortem report number KS-96/92. Another unidentified cremation is listed Under serial no. 555/905 and the same FIR no. The identity of that person is now known and summarized in the appropriate section.

42. Under serial no. 106/938, the CBI list partially identifies the cremation of Sarabjit Singh alias Sadhu Jat, r/o Dhotian, carried out by SHO Raghuvir Singh of Harike police station on 20 December 1992 under FIR no. 55/92. The post-mortem report number is SLG-128/92. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/01360. The main informant in the case is the victim's father Dalip Singh.

Twenty-two year old Sarabjit Singh, son of Dalip Singh and late Joginder Kaur, was a resident of village Dhotian, Patti Samne Ki, under Sarhalli police station, in Tarn Taran sub-division of Amritsar district. He was an Amritdhari Sikh and a farmer. He also worked as a *granthi*, reciting Gurbani from the *Guru Granth Sahib*.

Sarabjit's elder brother Dilbagh Singh had joined the militancy. Because of this

connection, the police used to detain and torture the other family members. On 3 March 1990, Tarn Taran's Sadar police killed Dilbagh Singh. Despite this, however, the police did not decrease their harassment of his family, especially brothers Sarabjit Singh and Sohan Singh.

In May – June 1992, the police started raiding Sarabjit's house in order to arrest him. Sarabjit Singh deserted home from fear of the police. The police continued to detain and torture his other family members to pressure them to produce Sarabjit before the police. For five months, the police held Sarabjit's brothers Manohar Singh and Sohan Singh. They were not released until the police had killed Sarabjit Singh.

On 19 December 1992, Sarabjit Singh and his companion Heera Singh, resident of Thathian Khurd, were seated in the Gurdwara of village Thathian Khurd. A police party from Harike police station arrested both of them from the Gurdwara. After the arrest, the police called for reinforcements and set up barriers in different places. Two to three hours later, people heard the sounds of heavy firing between the villages of Thathian and Nathupura.

On 20 December 1990, newspapers such as the Punjabi daily *Jagbani* published a report that Harike police had killed two militants, Sarabjit Singh and Heera Singh, in an encounter. The police cremated their bodies at Patti cremation ground on 20 December 1992. Sarabjit Singh's family was not informed of his cremation.

Under serial no. 265/939, the CBI's first list fully identifies the 20 December 1992 cremation of Heera Singh, s/o Ram Singh Jat, r/o Thathian, carried out by SHO Raghbir Singh of Harike police station, stated in FIR no. 55/92. The post-mortem report is marked as SLG 127/92 and the cause of death is stated to be "police encounter".

43. Under serial no. 107/943, the CBI list partially identifies the cremation of Sarban Singh, r/o Jawande, carried out by SI/SHO Sarban Singh of Tarn Taran's Sadar police station on 25 December 1992 under FIR no. 83/92. The post-mortem report number is KSA-40/92. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/01355. The main informant in the case is the victim's mother Amar Kaur.

Thirty-one year old Sarban Singh, alias Shaheed, s/o Mohan Singh was a resident of Jawande Khurd, post office Baath under Tarn Taran Sadar police station. He was unmarried.

Sarban joined the Indian army but because of some inadequacy in his education was later dismissed. Following his dismissal from the army, Sarban first worked for the Punjab State Electricity Board and later became a truck driver.

From early 1990, the police began to suspect Sarban Singh's involvement with the militant movement and started harassing his family members, raiding his house frequently, keeping them in illegal custody and interrogating them under torture. His father Mohan Singh issued a public notice, published in several newspapers, to disown Sarban Singh and to disinherit him from the family property. But as the police atrocities continued, the family had to leave the village and live in hiding. The police illegally detained and severely tortured Mohan Singh several times in 1992. The police also did not allow him to cultivate his agricultural land.

Mohan Singh's brother-in-law Lakha Singh had retired as a Captain from the Indian army. Lakha Singh approached the Commanding Officer of the regiment deployed in his area to curb militancy about the police atrocities against his sister's family. The area Commander of the Indian army in Tarn Taran took the complaint seriously and procured Mohan Singh's release from illegal police custody and also ensured that he could cultivate his land.

On 8 December 1992, Sarban Singh was arrested by Tarn Taran police at a checkpoint near a bridge on Goindwal road close to Tarn Taran. Mohan Singh received this information from a resident of his village who had witnessed the arrest. Unfortunately, his brother-in-law Lakha Singh, the former Captain of the Indian army who could pursue Sarban Singh's case, had died some days before Mohan Singh received the news about Sarban's arrest. Even then, Mohan Singh and his wife approached the CO of Tarn Taran area to seek his help in saving Sarban's life. The Commanding Officer told them that he would attempt to get Sarban Singh produced before a court and dealt with in accordance with the law.

On 26 December 1992, Punjabi newspapers prominently carried SSP Ajit Singh Sandhu's press conference in which he announced the killing of Sarban Singh, Kabal Singh and a third unidentified militant in a supposed encounter. The family could not do anything, not even attend the cremation. Under serial no. 266/942, the list identifies the 25 December 1992 cremation of Harbans Singh, s/o Santokh Singh Jat, r/o Rasoolpur, carried out by SHO Sarban Singh of Tarn Taran's Sadar police station under FIR no. 83/92. The post-mortem report is marked as KSA 39/92 and the cause of death is given as "police encounter". Kabal Singh was Harbans Singh's alias. One more cremation on the same day, under the same FIR number and carried out by the same officer is included in the CBI's list of unidentified cremations Under serial no. 572/944, with post-mortem report number KSA-41/92.

Mohan Singh, father of Sarwan Singh, died from a heart attack six months later.

44. Under serial no. 111/982, the CBI list partially identifies the cremation of Baldev Singh r/o Galalipur, carried out by SI Sita Ram of Patti police station on 6 February 1993 under FIR no. 9/93. The post-mortem report number is stated to be unavailable. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/01370. The main informant in the case is the victim's uncle Sujan Singh.

Thirty-year old Gurdev Singh, alias Baldev, son of Gian Singh and Balbir Kaur, was from Galali Pur village under Patti police station, in Tarn Taran sub-division of Amritsar district. He was a farmer and married to Manjit Kaur. They had a child.

He had been arrested once before by Jandiala Guru police under TADA. After his release from jail, he stayed at home and helped his father work his fields. In the first week of January 1993, Gurdev became a father, but his son was only 21 days old when Kairon police came and picked him up on 30 or 31 January 1993. The police officers did not disclose why and where they were going to take Gurdev. When his father Gian Singh insisted, and refused to let his son go without the information, the police claimed to be from Tarn Taran.

The next morning, Gian Singh and several members of the village council went to

the CIA staff at Tarn Taran but discovered that Gurdev was not there. Informed by some people in the village that they had seen the police driving towards Kairon after arresting Gurdev, Gian Singh, some of his relatives, and village elders went to Kairon and met ASI Sardool Singh. Immediately, they recognized the policemen who had come to arrest Gurdev. Sardool Singh admitted that Gurdev Singh was in his custody but refused to let Gian Singh meet him before they had completed their inquiries.

On 6 February 1993 morning, Gian Singh heard that the Patti police had killed two Sikhs in a so-called encounter near Sabhran village. Gian Singh and some of his family members reached Patti cremation ground, but by then the bodies had already been burnt.

It is mysterious that the CBI has, in its list of partially recorded cremations, recorded Gurdev Singh's name as Baldev Singh, and has omitted his father's name. Gian Singh had personally submitted his complaint to the CBI at its camp office in Amritsar sometime in 1996 when it was holding its inquiries on directions from the Supreme Court. Gian Singh has since died.

Under serial no. 287/981, the list shows the 06 February 1993 cremation of Sukhdev Singh, alias Sukka, s/o Balwant Singh, r/o Bhaamanwala, carried out by SI Sita Ram of Patti police station in a case under the same FIR no. 9/93. The post-mortem report is marked as 6/2/93 and the cause of death is given as "police encounter".

45. Under serial no. 112/1002, the CBI list partially identifies the cremation of Ranjit Singh alias Rana, r/o Bagrian, carried out by SI Jarnail Singh of Verowal police station on 17 March 1993 under FIR no. 12/93. The post-mortem number is GSD-6/93. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/01143. The main informant in this case is the victim's mother Kashmir Kaur.

Twenty-one year old Ranjit Singh alias Rana, son of Kartar Singh Dhillon and Kashmir Kaur, was a Registered Medical Practitioner resident of Bagarian village, under Tarn Taran's Sadar police station, in Tarn Taran sub-division of Amritsar district. He was unmarried and lived with his mother Kashmir Kaur and his older brother Paramjit Singh who looked after the family farm. His father, a serving Army officer, had passed away in 1985.

Ranjit passed his matriculation examination in 1987 and started working under a doctor as a compounder to learn medicine. After two years of training, Ranjit established his own clinic in the village and developed a flourishing practice. He had been arrested illegally on two occasions and interrogated under torture. On both occasions, the police released him after several days in illegal custody.

On 7 March 1993, Ranjit was getting ready to leave for Anandpur Sahib where he wanted to attend a religious fair. He was tying his turban, when a group of officers led by SHO Pooran Singh of Tarn Taran's Sadar police station raided the house and arrested Ranjit Singh. The officers dragged him into their jeep without letting him tie his turban. The arrest was witnessed by his mother and several neighbors in the village.

Two days after Ranjit's arrest, officers from Bhikhiwind police station led by SHO Teg Bahadur Singh raided Kashmir Kaur's house once again and took her older son

Paramjit Singh into custody.

Kashmir Kaur went to the police stations several times over the next days to plead with the officers to release her sons or to charge them legally if there was any evidence of wrongdoing against them. But she was not allowed to enter the police stations and could not talk to any responsible officer.

A few days later, Kashmir Kaur managed to talk to DSP Dilbagh Singh at the gates of Tarn Taran's Sadar police station. The DSP said: "Mother, your sons have done bad things. But we will release them after some days. You go home."

Kashmir Kaur found out that the police officers were going around with Ranjit Singh in the area asking him to get all sympathizers of the militant movement known to him arrested. Few days later, the same group of officers arrested Balwinder Singh, son of Santokh Singh of Bagarian village.

On the 12th or 13th of March, SHO Pooran Singh came back to Bagarian village along with Ranjit Singh. Ranjit Singh remained seated in the police vehicle as the police thoroughly searched his house and agricultural fields. This happened in the daytime and was witnessed by many residents of the village.

On 17 March 1993, ten days after his arrest, the police announced the killing of Ranjit Singh in an alleged encounter near village Baath. His fellow villager Balwinder Singh, son of Santokh Singh, who the police had picked up a few days after Ranjit's arrest, was also killed in this encounter although he was not identified. On 19 March 1993, a Punjabi daily newspaper *Jagbani* published a report giving details about the police story of the encounter. The report said that the Tarn Taran police tried to stop two suspicious-looking persons on a motorcycle at a checkpoint that had been set up near village Baath. The men, who were coming from the direction of Pakho Ke, did not stop but started firing in the direction of the police officers. Both the militants were killed in the resulting encounter. One of the militants was identified as Ranjit Singh alias Rana, a Lieutenant General of Babbar Khalsa International, from Bagarian village.

The police carried out the cremation without informing the family. Some relatives, however, managed to watch the burning pyres from a distance and collected the ashes with help from the cremation ground attendants.

The newspaper report about Ranjit had been elaborate and detailed. Ironically, however, his cremation figures in the CBI's list of partially identified cremations. Balwinder Singh, son of Santokh Singh, also of Bagarian village was cremated as an unidentified militant. The cremation is listed in the CBI's unidentified list Under serial no. 593/1001. The cremation was carried out by the SHO of Tarn Taran's Sadar police station under FIR no. 12/93. The post-mortem report is curiously marked as 18.3.93, and the cause of death is mentioned to be "police encounter".

Kashmir Kaur gave all her attention to the task of getting her elder son Paramjit, in the custody of Bhikhiwind police, released. She had to pay Rs. 30,000 to a police agent who said that the officers would not let him go without the money. Kashmir Kaur did not have this much money, but mortgaged her land to raise the amount. The police released Paramjit four days after his brother's execution.

46. Under serial no. 113/1030, the CBI List partially identifies the cremation of Paramjeet Singh, alias Pamma, s/o Narinder Singh, carried out by SI Govinder Singh of Patti police station on 14 June 1993 under FIR no. 33/93. The post-

mortem report number is listed as not applicable, and the cause of death is given as “police encounter”.

The committee has gathered the following information about this case from its incident report form no. CCDP/00761. The main informant is the victim’s wife Sukhwant Kaur.

Thirty-three year old Paramjit Singh alias Pamma, son of Narinder Singh and Surjit Kaur, was a resident of village Bahmani Wala, under Patti police station, in Patti sub-division of Amritsar district. He worked as a constable in the Punjab police. Paramjit was married to Sukhwant Kaur and they had one daughter and one son.

Paramjit Singh was an Amritdhari Sikh. He had joined the Punjab Police in 1982-1983 and was initially posted in district Gurdaspur. He was later transferred to district Kapurthala. His older brother served in the Indian Army. Their family had no political connections.

In 1989, militants started threatening Paramjit’s family to pressure him to resign from the police force. The militants severely beat Paramjit’s father. After this incident, Paramjit left Kapurthala police on 48-hours leave, but did not return to duty. He did not send in his resignation, either. Paramjit bought a Maruti van by mortgaging his one and a half acres of land and used the van as a taxi to earn his livelihood. In 1990, the Kapurthala police detained Paramjit for one day. They released him, however, once they ascertained that he had left the police force from fear of militants and not from any suspicious activity.

On 2 June 1993, a police party of 15 to 16 policemen led by SI Rachhpal Singh from Tarn Taran police station raided Paramjit’s house. The door was open and Paramjit was cleaning his taxi when the police party came. The police surrounded Paramjit as Rachhpal Singh picked up a stick and started beating Paramjit. His wife, father and another person witnessed the beating. The police forced Paramjit Singh into their vehicle and left, towing his Maruti van in the rear.

Although Paramjit’s father did not know from which station the police had come, another person in their house identified Rachhpal Singh as from the same village as his in-laws. The family spent the next two days asking for the intervention of prominent people to secure the release of Paramjit Singh.

On 4 June 1993, a delegation comprising Paramjit’s father Narinder Singh, Paramjit’s brother Heera Singh, who took leave from the Indian army because of his brother’s abduction, Paramjit’s father-in-law Inder Singh, the sarpanch, and the other person who witnessed Paramjit’s abduction and recognized Rachhpal Singh went to Tarn Taran and met SI Rachhpal Singh. Rachhpal Singh said that Paramjit was no longer in his custody; after interrogating him, Rachhpal Singh had handed Paramjit to Police post Kairon. Paramjit’s family members then contacted Hazara Singh, Rachhpal Singh’s father, and asked for his intervention. Hazara Singh accompanied the delegation to meet the SI again on the same day, but Rachhpal Singh insulted his father for accompanying the delegation.

During the next week, the family continued to meet the SI, either on their own or through influential persons. Rachhpal Singh expressed his desire for 50,000 rupees for the release of Paramjit Singh. The family tried to arrange that amount.

On 11 June 1993, Narinder Singh and Heera Singh went to Kairon police post and met ASI Naurang Singh, who was in charge of the post. The ASI allowed Narinder

Singh to meet Paramjit. Paramjit was in bad shape from torture and asked his father to do anything to secure his release. He told his father he was innocent. Narinder Singh returned to Kairon police post on the 12th and 13th but was not allowed to meet Paramjit Singh again.

On 15 June 1993, the Punjabi daily *Ajit* reported that the police had killed Paramjit Singh alias Pamma, r/o village Brahmani Wala, in an encounter at the bridge of a water channel near the village. The *Ajit* reported that one of his accomplices managed to escape. Despite this news report, the family and other residents of the village maintain that no gunshots were heard near their village on the 13, 14, or 15 of June 1993.

47. Under serial no. 115/1051, the CBI list partially identifies the cremation of Sukhdev Singh, s/o Pyara Singh, carried out by SHO Suba Singh of Verowal police station on 28 July 1993 under FIR no. 44/93. The post-mortem report number is KK 6/93. The cause of death is given as “encounter”.

The committee has gathered the following information about this case through its incident report form no. CCDP/01351. The main informant in this case is the victim's brother Harbhajan Singh.

Twenty-seven year old Sukhdev Singh, son of Piara Singh and Mangal Kaur, was a *Mazhabi* Sikh resident of Mazhabian Di Thathi, in village Rani Walah, under Sarhalli police station, in Tarn Taran sub-division of Amritsar district. He was married to Bholi and had one child.

Sukhdev had completed his matriculation and worked as an SPO for the Punjab Police. He was appointed as a body guard to one of his uncles Thekedar (contractor) Joginder Singh, resident of the same village. Joginder Singh had enrolled Sukhdev and other boys of the village as SPO's and then had them appointed as his bodyguards to protect him from militants.

In the last week of June 1993, the SHO of police station Sarhalli Kalan, Gurdev Singh, raided the village Rani Walah and arrested SPOs Shinda Singh, son of Bachan Singh; Desa Singh, son of Amar Singh; Sukhdev Singh; and Balkar Singh Bobby, Joginder Singh's own son. They also arrested Daljit Singh, the brother of Sukhdev Singh who served as a lance naik in 13 Sikh Light Infantry of the Indian army, and was visiting Joginder Singh. The police arrested all five men at 7 a.m. from the house of Thekedar Joginder Singh. They were arrested on suspicion that they had committed a theft in a nearby village of Sangatpura.

The same police then raided the house of Balkar Singh Kala, son of Shingara Singh, in order to arrest him. Balkar Singh was not home so they picked up his mother Taro, his wife Shinder Kaur and their children. The next day Joginder Singh produced Balkar Singh Kala before the Sarhalli Kalan police, and the police released Balkar's mother, wife and children.

Daljit Singh (Fauji), son of Piara Singh, was released the same day as his arrest. According to him, all the men were taken to the Sarhalli Kalan police station, where the SHO had Shinda Singh, Sukhdev Singh and Desa Singh brutally tortured under his personal supervision. Iron rollers were rolled over their thighs. On the day of the arrest itself, the police brought Shinda Singh, Sukhdev Singh and Desa Singh to their respective homes. The police party confiscated two suits (clothing) and Rs. 100

from the house of Sukhdev Singh, a gold necklace from Shinda Singh's wife and some cash from Desa Singh's house. According to the families and other villagers, the condition of the three men was critical when they were brought back to their houses temporarily.

After Balkar Singh Kala s/o Shingara Singh had been interrogated on the day he was produced before the police, the Sarhalli Kalan police also brought him to his house that they searched. He could hardly walk and his condition was critical.

In the meantime Joginder Singh Thekedar continued to assure the families that he was pursuing the cases and that he would have the men released soon. On the third day after the arrests, the police released Joginder Singh's son Balkar Singh Bobby.

Five or six days after the arrest a news item reported that according to the police, SPOs Shinda Singh, Sukhdev Singh and Desa Singh had deserted their place of duty, taking their weapons and wireless sets. The families of these men were very worried on reading this as the men were in police custody at that time. The families then went to the Sarhalli police station but the police did not allow them to enter. They continued to visit the police station in the hope of more information.

On 13-14 July 1993 a newspaper reported that Shinda Singh, Desa Singh, Balkar Singh Kala and Mangal Singh, son of Karnail Singh resident of Karmooowala, were killed in an encounter with the police of Sarhalli Kalan police station near the village of Kaure Wadhaun. According to people who lived near the site of the incident, the police showed the incident to have taken place at 5-6 a.m. Two of the four killed, Shinda Singh and Desa Singh, were allegedly absconding from duty by the police and Balkar Singh Kala and Mangal Singh were already in police custody. The CBI's list identifies their cremations to have taken place on 12 July 1993 Under serial nos. 319/1043, 320/1044, 321/1045 and 322/1046.

The police did not give the bodies of the men to the families or inform them of the incident. The families, from fear, did not approach the police and did not even perform the last rites.

After this news report was published, the family of Sukhdev Singh approached the Sarhalli Kalan police several times. But they were neither allowed to enter the police station nor given any information. However they learnt that Sukhdev Singh was at the Verowal police station; they did not go there because of fear.

On 29 July 1993, a news item reported that a militant Sukhdev Singh as well as an unidentified militant had been killed in an encounter with the Verowal police near the village of Fazilka. According to Sukhdev Singh's family, they learnt that the police cremated his body as well as that of the other unidentified man at Tarn Taran cremation ground on 28 July. The family did not approach the police nor did the police inform them of the killing and cremation of Sukhdev Singh.

It is not clear why the CBI placed Sukhdev Singh's cremation in its list of partially identified cremations, Under serial no. 115/1051, when all his particulars, including his service record, have been available with the police. The cremations of two unidentified bodies, under FIR no. 44/93, are recorded in the CBI's third list Under serial nos. 612/1052 and 613/1053. Their post-mortem reports are both marked as KK-7/93.

The families also say that during the period of the CBI inquiry the accused police officers offered through intermediaries an amount of one and a half lakh rupees each

to reach a compromise. The families all rejected their offers. The police of police post Chola Sahib had also approached the families for a compromise.

48. Under serial no. 116/1085, the CBI partially identifies the cremation of Sukhdev Singh alias Sukha, r/o Sangha, carried out by Inspector/SHO Gurbachan Singh of Tarn Taran's City police station on 23 December 1993 under FIR no. 155/93. The post-mortem report number is PS-25/93. The cause of death is given as "firearm injuries".

The committee has gathered the following information about this case from its incident report form no. CCDP/01466. The main informant in this case is the victim's father Khusia Ram.

Twenty-year old Sukhdev Singh alias Sukha, son of Khusia Ram and Piaro, was a *Sansi* Sikh belonging to Sangha village, under Sadar police station, in Tarn Taran sub-division of Amritsar district. He worked as an agricultural laborer and was married to Simaro with one son, Prabhjit. Sukhdev did not have a militant or political background and had never before been arrested for any illegal activity.

Around 5 a.m. on 29 November 1993, a group of officers from Tarn Taran's Sadar police station raided his house and arrested Sukhdev while he was still sleeping. All of the family members and several residents of the village witnessed the arrest. The police tied Sukhdev's hands to the back with his own turban, pushed him in their vehicle and drove away.

When the family members, along with members of the village council, went to the police station, they were told that Sukhdev would be released after his interrogation. They were also allowed to bring food and a change of clothes for him for the first few days after his arrest. Later, SHO Pooran Singh refused to let them into the compound of the police station. But the family members continued to visit the police station daily until 23 December 1993, hoping for his release.

On 24 December 1993, a Punjabi daily *Jagbani* published a report about an encounter near village Behla in which Sukhdev Singh and Sulakhan Singh, son of Thakar Singh of Kaler village, were supposedly killed. The report also carried a photo of his body. According to the police sources quoted in the report, the encounter happened when the two "terrorists" were riding on a scooter and opened fire at a group of officers who had stopped them for a routine check.

For some inexplicable reason, the cremation of Sukhdev Singh figures in the CBI's partially identified list, Under serial no. 116/1085. The list does not give the name of Sukhdev's father. The cremation of Sulakhan Singh, carried out by the same officer under the same FIR, is included in the CBI's list of identified cremations Under serial no. 331/1084. His post-mortem report is marked as KK 6/93 and the cause of death is mentioned as "encounter".

Cremations in the Police District of Amritsar

49. Under serial no. 189/27, the CBI list partially identifies the cremation of Kulwant Singh, s/o Harbans Singh, carried out by ASI Santokh Singh of Amritsar's Sadar police station on 5 July 1991 under FIR no. 362/91. The post-mortem report

number is not given. The cause of death is given as “bullet injuries”.

The committee has gathered the following information about this case from its incident report form no. CCDP/01472. The main informant in the case is the victim's father Mahal Singh Fauji.

Twenty-six year old Kulwant Singh, whose father's actual name is Mahal Singh, was a soldier of the Indian army with the Mumbai Engineers Group Battalion. He was a *Mazhabi* Sikh from village Kirtangarh, near Thande, under the post office of Jwala Flour Mill, in Amritsar. His father Mahal Singh had retired from the Indian army. Kulwant was unmarried.

Having joined the army in 1982, Kulwant was sent to Sri Lanka as a member of the Indian Peace Keeping Force [IPKF], where he had taken part in the Indian army's operations against the LTTE for nearly two and a half years. On his return from Sri Lanka, Kulwant Singh was posted at Pune, near Bombay. In May 1991, Kulwant Singh came home from Pune on two months of leave. One day in June 1991, a group of militants badly thrashed his elder brother Santokh Singh, who used to live in the same village with his parents, for regularly getting drunk against their dictate. Santokh Singh died in the hospital from his injuries. Kulwant was very disturbed because, fearing further reprisals from the militants, his family had decided not to inform the police about the incident. He planned to terminate his leave early and return to Pune. He could not implement the plan because three days after Santokh's death a large police force, led by one Inspector, raided his house and took Kulwant Singh into custody for interrogation.

Mahal Singh learnt that Kulwant was being detained at B. R. Model School Interrogation center in Amritsar city. Some days later, a police head constable approached him to demand Rs. 20,000 as the price of his son's release from illegal custody. Mahal Singh paid him Rs. 8,000 and promised to give him the balance when Kulwant Singh was released. Mahal Singh was hopeful that his son would not come to any serious harm as he was a soldier of the Indian army and had hardly spent any time in Punjab.

His hopes were shattered on 4 July 1991 when the police orchestrated an elaborate drama of an encounter near his village to claim that they had killed four dreaded militants. Kulwant Singh was brought from the interrogation center to the site of the encounter near Kirtangarh and killed along with three others, including Jagdish Masih, a Christian boy from Turdi village in Tarn Taran, who was also in illegal police custody.

Under serial nos. 186/20, 187/21 and 188/22, the CBI's first list identifies three cremations carried out on 5 July 1991 by ASI Santokh Singh of Amritsar's Sadar police station under the same FIR no. 362/91. They are of [1] Nirvail Singh, s/o Darbara Singh, r/o Jagatpur, [2] Sukhbir Singh, s/o Attam Singh, r/o Thake and [3] Jagdish Masih, s/o Gurdial Masih, r/o Turdi (TT), Khaparkheri. The list does not mention post-mortem report numbers and gives the cause of death as “bullet injuries”.

50 – 51. Under serial nos. 193/30 and 194/31, the CBI list partially identifies two cremations carried out by the SHO/Inspector of Cheerta police station on 23 July 1991 under FIR no. 129/91. They are of [1] Tarlochan Singh, and [2] Dr. Baljinder

Singh. There are no post-mortem report numbers. The cause of death is given as “bullet injuries”.

The committee has gathered the following information about these cases from its incident report form no. CCDP/01362 and 01363. The main informant is Tarlochan Singh’s father Mangal Singh.

Tarlochan Singh, son of Mangal Singh and Mohinder Kaur, was a resident of village Chhapa, post office Baghiari, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. He was an Amritdhari Sikh. Tarlochan worked as a motor mechanic and set up his workshop in village Verowal. Starting 1988, the police started to repeatedly arrest Tarlochan Singh because of his activities with the Sikh Students Federation. They registered a case against him once. After his release from jail, the police resumed their harassment of Tarlochan Singh and his family. Consequently, Tarlochan deserted his home.

Dr. Baljinder Singh, son of Harbhajan Singh, was a resident of village Panjwar, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. He and his wife, who has passed away, had one child. Dr. Baljinder Singh was a senior leader of the militant movement. He was also Senior Vice-President of the Sikh Students Federation (Bittu). The police had arrested him several times, before he went into hiding.

Tarlochan Singh and Dr. Baljinder Singh disguised their identities and rented a room in the house of Foreman Jagga Singh opposite the OCM Mill. On 23 July 1991, the police arrested Tarlochan Singh from Suraj-Chanda Cinema in Amritsar, opposite the bus stand. He had been identified by another youth already in police custody. During torture, the police extracted information from him about where he and Dr. Baljinder Singh lived. The police took Tarlochan Singh there at 2 p.m. and caught Dr. Baljinder Singh. The police shot both of them dead right there inside the house.

Sikh Students Federation and militant organizations called for a strike in response to the execution of Tarlochan Singh and Dr. Baljinder Singh.

The families were not informed of their deaths or of their cremations at Durgiana Mandir cremation ground. The police also killed Mangal Singh’s sons Deedar Singh and Swaran Singh and their cousin-brother Tarlok Singh, son of Jarnail Singh. The executions of Deedar Singh and Tarlok Singh are discussed above Under serial no. 101/902.

52 – 53. Under serial nos. 198/32 and 199/33, the CBI list partially identifies two cremations carried out by the SHO of Amritsar’s Sadar police station on 3 August 1991 under FIR no. 412/91. They are of [1] Swaran Singh, s/o Lal Singh, and [2] Daljit Singh, s/o Saudagar Singh. There are no post-mortem report numbers. The cause of death is given as “death by consuming cyanide”.

The committee has gathered the following information about these cases from its incident report form no. CCDP/01364 and 01365. The main informant in this case is Daljit Singh’s brother Malkeet Singh.

Twenty-two year old Daljit Singh, son of late Saudagar Singh and Ranjit Kaur, was a resident of village Chhapa, post office Bhaghiari, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. He was an Amritdhari Sikh. As the

youngest of four brothers, Daljit Singh worked as a farmer. He was an activist of the Sikh Students Federation. The police had never arrested him or visited his house. Daljit, however, had deserted home about six months ago.

Swaran Singh, son of Lal Singh, resident of Talwandi in district Ferozepur, sympathized with the militant and political struggle in Punjab. He used to live with his maternal uncle in Amritsar. When the police attempted to arrest him, Swaran went underground to evade arrest.

On 30 July 1991, at about 7 p.m. a police party from Amritsar's Sadar police station, led by SHO Tejinder Singh and including CRPF personnel, raided the house of Akali leader Kirpal Singh Randhawa at 35 Kabir Park, Amritsar. Daljit Singh and Swaran Singh were staying at Randhawa's house. The police immediately arrested both of them along with Randhawa.

On 3 August 1991, newspapers published a statement issued by retired Justice Ajit Singh Bains, a human rights activist. Police had been posted at Randhawa's house since the 30th. On 3 August 1991, a police party led by inspector Tejinder Singh and DSP Gurdev Singh brought Daljit Singh and Swaran Singh to Randhawa's house again. The police directed Randhawa's wife Lakhwinder Kaur to leave the house so that they could conduct a search. According to Lakhwinder Kaur, Daljit and Swaran were in critical condition and each had to be held by two policemen to stand. They were merely dressed in their underwear.

Two minutes after the family vacated the house, the police started shouting that Daljit and Swaran had consumed poison. The police brought the vehicle into the house's compound and placed their bodies in it. When Lakhwinder Kaur returned home after the police removed the vehicle, a foul smell of a chemical substance was emanating from the drawing room. The police had asked her to wash the floor of the drawing room to eliminate the smell. Lakhwinder Kaur threw away the tumblers used by them to force the youth to drink this chemical into the pond opposite her house.

In the news report based on the police story, the police claimed that both men belonged to the Khalistan Commando Force and that they had been arrested on 3 August 1991 morning. The report claimed that they consumed poison while being taken to a house at Kabir Nagar and died on their way to the hospital.

According to Kirpal Singh Randhawa, after the arrest of himself, Daljit, and Swaran the police took them to Amritsar's Sadar police station and brutally tortured them. The police poked their bodies with pokers and pulled the nails of their toes outwards. After killing Swaran and Daljit, the police registered a case against Kirpal Singh Randhawa and produced him in court on 8 August 1991.

54. Under serial no. 217/36, the CBI list partially identifies the cremation of Lakhwinder Singh, alias Lakha, s/o Joginder Singh, carried out by the SHO/inspector of Amritsar's Sadar police station on 4 September 1991 under FIR no. 482/91. There is no post-mortem number. The cause of death is listed as "bullet injuries; encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/00224. The main informant is the victim's wife Shinder Kaur.

Thirty-five year old Lakhwinder Singh, alias Jahaj, son of Joginder Singh and

Sawinder Kaur, lived at village Sanghna, under Amritsar's Sadar police station, in tehsil and district Amritsar. He was married to Shinder Kaur and they had one daughter who is now ten years old. Lakhwinder Singh worked as a farmer. His father had participated in the Dharam Yudh Morcha, the political agitation launched by the Akali Dal.

In 1990, the Chheharta police detained Lakhwinder's younger brother Manga Singh, wanting his family to produce Lakhwinder at the police station. After Lakhwinder was produced at the police station, the police implicated him in a case and sent him to Amritsar Jail. Three to four months later, he was released on bail. After his release, the police began to raid Lakhwinder's house and Lakhwinder eventually left his house from fear of the police.

However, in October 1991, the police arrested Lakhwinder in the fields outside of his village Sanghna. They shot and killed him. His death was reported in the Punjabi daily *Ajit*. His family also attended the police cremation of Lakhwinder at Durgiana Mandir cremation ground.

After Lakhwinder's death, his father Joginder Singh also disappeared.

55. Under serial no. 219/37, the CBI list partially identifies the cremation of Inderjit Singh, s/o Harbhajan Singh, carried out by the SHO of Amritsar's Sadar police station on 26 September 1991 under FIR no. 525/91. There is no post-mortem report number. The cause of death is given as "fire arm injuries".

The committee has gathered the following information about this case from its incident report form no. CCDP/00228. The main informant is the victim's father, Harbhajan Singh.

Inderjit Singh alias Kala, son of Harbhajan Singh and Balbir Kaur, lived at village Sanghna, under Amritsar's Sadar police station, in tehsil and district Amritsar. He was 28 years old, worked as a farmer, and he and his wife Amarjit Kaur had a son, now around ten years old. Inderjit's father Harbhajan Singh had actively participated in the Akali political agitation "Dharam Yudh" in 1982. And because of this participation, the police viewed his family suspiciously.

On 13 June 1991, the police abducted Inderjit Singh from the Amritsar – Manj road. His death was reported in the Punjabi daily *Ajit* on 26 September 1991 as the death of a militant in a police encounter on Manj road in Amritsar city. The police allegedly killed two other militants along with Inderjit Singh.

Under serial nos. 218/27 and 220/28, the first CBI list identifies two 26 September 1991 cremations carried out by the SHO of Sadar police station under the same FIR no. 525/91. They are of: [1] Kashmir Singh alias Landu, s/o Kundan Singh, r/o Nehru Colony, Amritsar, and [2] Jaspal Singh, s/o Preetam Singh, r/o Mustafabad. The list does not show a post-mortem report number. The cause of death is given to be "firearm injuries."

56 – 57. Under serial nos. 293/44 and 294/45, the CBI list partially identifies two cremations carried out by Sadar Amritsar police on 23 May 1992. They are of [1] Harvinderjit Singh, s/o Sawinder Singh Gill and [2] Mandeep Singh, s/o Sewa Singh. There is no FIR or post-mortem report number. The cause of death is given as "police encounter".

The committee has gathered the following information about these cases from its incident report form no. CCDP/01135. The main informant is Harvinderjit Singh's father, Sawinder Singh.

Twenty-year old Harvinderjit Singh Gill, son of Sawinder Singh Gill and Surinder Kaur, was a resident of Bhawani Nagar, Gali No. 4, Gurdwara Wali road, under Vijay Nagar police station in Amritsar city. He was the only son of his parents. Harvinderjit was a final year student of B. Sc. in Food Technology at Amritsar's Khalsa College. He was a member of the Sikh Students Federation, but had never been arrested in connection with any criminal offence. Harvinderjit was unmarried.

Harvinderjit's father Sawinder Singh was a soldier of the Indian army with the 51 Mountain Regiment that had in the forefront of India's war against China fought in 1962. Sawinder Singh was seriously wounded in the war and was also taken prisoner by the Chinese Army. After spending three months as a prisoner of war with the Chinese, Sawinder Singh returned to Indian hands through mediation by the International Red Cross. His right arm had been perforated by bullet injuries and both his feet had become gangrenous from frostbite. Sawinder Singh remained admitted in a Military Hospital for a long time and eventually both his feet had to be amputated. In 1966, Sawinder Singh was discharged from the army on medical grounds and he returned to his village in Punjab to pick up the threads of his life again. Although disabled, Sawinder Singh joined an educational college and after completing the course in 1969, he became a teacher. In September 1970, he married Surinder Kaur and on 25 October 1971 Harvinderjit Singh, their only child, was born.

Both the parents were proud that their only son was good in studies. After passing his Higher Secondary School examination with good marks, Harvinderjit joined the Khalsa College as a B. Sc. student in Food Technology. In 1992, he was studying for the final year. Harvinderjit was not only studious but also very attached to his parents and returned home punctually after college every evening.

On 22 May 1992, around 1:30 p.m. Harvinderjit and his friend Mandeep Singh, son of Sewa Singh from House No. 38 in Adarsh Nagar, Ram Tirath road in Amritsar, went to the Sikh Gurdwara Management Committee (SGPC) office within the Golden Temple Complex. Both of them were carrying their student identity cards and Harvinderjit Singh had, in addition, his educational concessions entitlement card No. 7624, issued to children of ex-servicemen. After meeting some functionaries of the SGPC in their office, when Harvinderjit and Mandeep exited the Golden Temple Complex, DSP Ratan Lal Monga, who was in plainclothes, caught Harvinderjit by his arm and asked him to get himself frisked. Harvinderjit did not know it was an officer in plainclothes who grabbed him, and he protested loudly about this rude behavior. The altercation led to a physical scuffle and both of them fell to the ground. Harvinderjit still did not know that the man he was quarrelling with was a Punjab police officer when DSP Monga ordered his subordinates to shoot him. Harvinderjit was shot and he collapsed dead there on the road. Mandeep Singh, who had been trying to intervene to end the quarrel, was shocked to see his friend shot and lying on the road in a pool of blood. A confused and perplexed Mandeep ran into a tea shop to save himself, but DSP Monga came after him, had him dragged out and shot. Mandeep Singh also died on the spot. Amritsar's Sadar police station registered FIR no. 36 to claim the incident as an encounter.

As Harvinderjit did not return home that evening, his father and mother went out

to look for him in the city. While they were away, some policemen came to the house and, finding them absent, asked the neighbors about Harvinderjit Singh. When the neighbors told the policemen that he was a B. Sc. student at the Khalsa College, one officer sarcastically remarked, "Well, he has passed his B. Sc." The policemen, however, did not disclose the reasons for their inquiries and then went away. The neighbors told Harvinderjit's parents about the policemen when they returned home in frustration from not finding their son. Early next morning, Sawinder Singh went to the Khalsa College, but was not able to find out anything to explain his son's disappearance. On his way back home, Sawinder Singh read a newspaper report on the killing of two young Sikhs outside the Golden Temple. When Sawinder Singh returned home, with a copy of the newspaper, he found out that some policemen had again come to his house to ask him to identify a body.



Harvinderjit Singh

Sawinder Singh rushed to the hospital and identified his son's body. Even then the police carried out the cremations of both Harvinderjit Singh and Mandeep Singh after recording that they were unidentified militants. Sawinder Singh and his wife witnessed the cremation and later they were also allowed to collect the ashes. Sawinder Singh then fought with the police officials to correct their records to include Harvinderjit's correct name and identity. It is, however, ironical that the cremations of Harvinderjit Singh and Mandeep Singh are recorded in the CBI's list of partially identified cremations. Only their names and fathers' names are mentioned. Their residential addresses are not there.

Sawinder Singh then went to the site of the reported encounter and talked to people who witnessed the incident. They vividly recounted how DSP Monga had killed both Harvinderjit and Mandeep. Most of them were shop-keepers who did not want to antagonize the police and refused to be quoted. Sawinder Singh then sent applications to the senior officials of the Punjab government and also the city administration to demand an impartial inquiry. His applications were not even acknowledged.

On 17 June 1992, Sawinder Singh and Sewa Singh, father of Mandeep, submitted a joint petition addressed to the Prime Minister of India demanding an impartial investigation and appropriate action against the guilty officials. They also addressed copies of the petition to the Home Minister of India, Chief Minister of Punjab, Governor of Punjab, DGP, DIG of Jalandhar range, Deputy Commission of Amritsar and SSP of Amritsar. The petition made no impact and remained unacknowledged.

Instead of responding to his petition for an impartial inquiry, the police officials started visiting him at his house to make inquiries about his son and to mock his efforts to get an inquiry instituted. Sawinder Singh flew into a rage when a DSP named Khosla once came to him and started mocking him. Sawinder Singh told him how he had lost his legs and about his record as an Indian soldier. Then he shouted at them: "You have killed my only son to reward me for my services to this country. And now you continue to harass me and my grief-stricken wife." The policemen did not visit him again.

In 1997, Sawinder Singh and Sewa Singh, Mandeep's father, filed a petition – numbered Cr. Misc. 23455-M/97 – before the High Court of Punjab and Haryana to demand an inquiry and suitable action against the killers of their sons. Their petitions were clubbed together and disposed of with an order made on 2 January 1998. The order said that the petitioners were free to file their complaint before the lower court of competent jurisdiction and the High Court will not investigate disputed facts of a case that happened in 1992.

Sawinder Singh was very disappointed by the Court's order and, having lost all faith in the possibilities of justice in the country, decided not to file any more complaints.

58. Under serial no. 319/50, the CBI list partially identifies the cremation of Sukhdev Singh alias Subag Singh, s/o Mohinder Singh, carried out by Raja Sansi police on 15 July 1992. There is no FIR no. or post-mortem report number. The cause of death is given as "poison consumption".

The committee has gathered the following information about this case from its incident report form no. CCDDP/01372. The main informant in the case is the victim's brother Balwinder Singh.

Thirty-five year old Sukhdev Singh alias Gujjar, son of Bhagat Singh and Gurbachan Kaur, was an Amritdhari Sikh resident of village Sarai Amanat Khan, Bhoosia Di Patti, under Sarai Amanat Khan police station, in Tarn Taran sub-division of Amritsar district. He was married to Gurmeet Kaur and they had two sons.

Sukhdev Singh was a supporter of the political movement in Punjab. The police would often arrest him on the allegation that he had links with the militants. The Gharinda police once registered a case against him and sent him to jail. He was released on bail after six months. After his release, the police again started raiding his house to arrest him. They would arrest him and torture him. Consequently, he deserted home.

After Sukhdev Singh left home, the police started harassing his family. They would pick up his father and brothers, torture them and pressure them to produce Sukhdev Singh. However Sukhdev Singh was not in touch with his family and the family, from fear of the police, also started staying away from home. Then the police arrested Sukhdev's relatives.

On 26 June 1992 at about 5 p.m., Sukhdev Singh was returning from a visit to his cousin Harbans Kaur and was walking near the railway crossing at Chheharta, Amritsar along with a companion. The Chheharta police arrested the men just a short distance from Harbans Kaur's house. That night the police showed the men as having been killed in an encounter near the village Ghanupur Kale. The police had also fired some rounds at the time of the arrest. The following morning the police arrested Harbans Kaur's son, but released him after a few days.

The police cremated Sukhdev Singh at the Durgiana Mandir cremation ground the next day. They did not inform the family of the cremation.

SHO Sanjiv Kumar Sharma, in-charge of police post Sarai Amanat Khan, also confiscated 10,000 bricks from the family.

59. Under serial no. 333/55, the CBI list partially identifies the cremation of

Mateshbir Singh alias Tasbeera Singh, carried out by Amritsar's Sadar police station on 10 September 1992. There is no FIR no. or post-mortem report number. The cause of death is given as "poison".

The committee has gathered the following information about this case from its incident report form no. CCDP/01474. The main informant in the case is the victim's father Anoop Singh.

Twenty-one year old Tasvir Singh, son of Anoop Singh and Sukhbir Kaur, was a resident of Jhander village, Chelian Wale, under Jhander police station, in Ajnala sub-division of Amritsar district. While a student of the 10th standard in 1987, Tasvir was illegally detained and brutally tortured a number of times on the basis of suspicions about his militant connections. After these experiences of custodial torture, Tasvir decided to leave his home and join the militant underground. For the next several years, members of his family, including distant relatives, suffered enormous police abuses, including confiscation of all their valuable property, prolonged illegal detention and custodial torture. His maternal uncle Amrik Singh and his brother-in-law Davinder Singh were so brutally tortured that both of them, following multiple fractures on their arms, became disabled. The family was also not allowed to cultivate the land.

Tasvir Singh was finally taken into custody on 9 September 1992, when Amritsar's Sadar police, led by SHO Baldev Singh Tera, raided his sister's house at Vijay Nagar in Amritsar. Tasvir was taken to B. R. Model School Interrogation center. A newspaper report, that appeared the following day, claimed that Tasvir Singh died after consuming cyanide when surrounded by the Amritsar police at his hideout near Do Burji.

The police carried out the cremation without informing the family.

According to Anoop Singh, the police later abducted his brother-in-law Kashmir Singh, son of Gulzar Singh, from his residence in Jhander village and also killed him in a fake encounter.

60. Under serial no. 365/59, the CBI list partially identifies the cremation of Rakesh Kumar, s/o Vishvamitr, carried out by SHO Atma Singh of police post Vijay Nagar, under Amritsar's Sadar police station, on 27 December 1992. There is no FIR number. The post-mortem report is marked as RKS/110/92 27/12/1992. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/00143. The main informant is Rita Kumari, the wife of Rakesh Kumar.

Twenty-two year old Rakesh Kumar, alias Kesha, son of Vishwa Mitter and Kailash Devi, was a resident of village Chachowali, post office Jaintipur, under Kathu Nangal police station, in Amritsar district. He was married to Rita Kumari and they had one son Gaurav who is now ten years old. After his matriculation, Rakesh began working as a ticket checker for a transport company.



On 12 December 1992, when Rakesh and his wife Rita were returning from Dhariwal, three to four plainclothes policemen abducted Rakesh from the outer gate of the Pathankot Bus Stand. They put Rakesh in an unnumbered vehicle and drove away. Rita returned to her in-laws and informed them about the abduction of her husband. Her father-in-law, father, and elder brother-in-law went to the Pathankot Police station and met SP Kirpal Singh Bassi, but they did not receive any information about Rakesh.

On 25 December 1992, a policeman in civil dress came to their house and told them Rakesh was at the B.R. Model School interrogation center in Amritsar. He told them to secure Rakesh's release in exchange for money. Rakesh's father and two older brothers, along with the President and Vice-President of Brahman Sabha, went to Amritsar the next day and met SP Shukla. The SP asked them to return the next day; they returned on the 28th but received no information.

However, on 28 December, the Punjabi daily *Jagbani* published news of Rakesh's death in an encounter on the intervening night of the 26th and 27th of December 1992. The news item stated that Rakesh was a militant associated with the Babbar Khalsa. The police had cremated his body at the Durgiana Mandir cremation ground on the 27th at 2 a.m. without informing his family.

The police started harassing Rakesh's family after his death, detaining his brother several times. At first, the family did not take any action because of fear of repercussions from the police. Later, they sent representations to government leaders and submitted an application to the National Human Rights Commission that was rejected as time-barred.

Cremations in the Police District of Majitha

61. Under serial no. 73/6, the CBI list partially identifies the cremation of Nirmal Singh alias Nimma, s/o Joginder Singh, carried out by the Ajnala police on 16 February 1989. There is no FIR no. or post-mortem report number. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/00347. The main informant in the case is the victim's mother Pooran Kaur.

Thirty-three year old Nirmal Singh alias Nimma, son of Joginder Singh and Pooran Kaur, was a resident of village Nepal, post office Jastarwal, under Lopoke police station, in Ajnala sub-division of Amritsar district. He worked as a farmer.

Owing to the enmity against his family, his uncles Sawinder Singh and Pargat Singh would get the police to harass and detain Nirmal Singh who subsequently deserted his home and joined the militancy on 12 August 1988. The family learnt about his death through a newspaper report about a police encounter at village Sakka Wali. They were never given his body or informed about his death or cremation. The police damaged and confiscated Nirmal Singh's house and property, causing a loss of 200,000 rupees. The police also repeatedly detained and tortured Nirmal's brother Resham Singh. Because Joginder Singh had passed away, Pooran Kaur spent much of her savings and assets in securing Resham's release.

62 – 63. Under serial nos. 81/11 and 82/12, the CBI List partially identifies two cremations carried out by the Mehta police on 28 April 1989. They are of [1] Kulwinder Singh, s/o Amrik Singh, and [2] Raghubir Singh alias Raghu, s/o Preetam Singh. There is no FIR or post-mortem report number. The cause of death is given as “police encounter.”

The committee has gathered the following information about this case from its incident report form no. CCDP/00147. The main informant is Kulwinder Singh’s mother Rajwant Kaur.

Twenty-one year old Kulwinder Singh, alias Bittu, son of Amrik Singh and Rajwant Kaur, was a resident of Mohalla Daggar, Kalanaur, under Kalanaur police station, tehsil Gurdaspur, in Gurdaspur district. He was unmarried and worked as a farmer.

Kulwinder Singh had suffered repeated detentions by the police. In 1986, SI Jarnail Singh, SHO of Kalanaur, implicated him in a case and sent him to Gurdaspur Jail. After one or two months, Kulwinder was released on bail. Some time later, SHO Swaran Singh of Kalanaur police station detained Kulwinder in illegal custody for a few days, implicating him in a case. Kulwinder spent a year in Sangrur jail until his release on bail. Over the next year, the police repeatedly detained him and released him after a few days.

On 26 November 1988, Constable Paramjit Singh along with two others came to Kulwinder’s house and told his parents to produce him at the police station. That same evening, when Kulwinder returned from working in the fields, his parents, along with the sarpanch and other village elders, produced Kulwinder Singh in front of SHO Sohan Singh, the SHO of Kalanaur police station. When the family returned the next day to see Kulwinder, the police detained and harassed them, saying that Kulwinder had escaped from custody. Over the next five months, the police repeatedly detained and tortured the parents for a few days at a time.

On 27 April 1989, SSP Gobind Ram of Batala, and inspector Ajaib Singh, the SHO of P.S. Sadar Batala, killed Kulwinder in a fake encounter at village Bhatti Ke, under Mehta police station in Amritsar district. They also killed Ranbir Singh, r/o village Zaffarwal, under Dhariwal police station in Gurdaspur district, and Gurcharan Singh, r/o village Tuslawala, under Sri Hargobindpur police station in Gurdaspur district. The next day, Punjabi dailies *Ajit* and *Jagbani* reported the encounter killing of an allegedly unidentified militant and two identified militants, and placed a photograph of Kulwinder Singh with the story. The newspaper reports also described the weapons allegedly recovered from the dead men. The police continued to harass Kulwinder’s family, even after his death.

The cremation of Raghuvir Singh could represent the fate of Ranbir Singh. It is not known, however, what happened to the body of Gurcharan Singh.

64. Under serial no. 207/25, the List partially identifies the cremation of Kashmir Singh, s/o Gulzar Singh, carried out by Majitha police on 5 January 1991. There are no FIR or post-mortem report numbers. The cause of death is given as “encounter”.

The committee has gathered the following information about this case from its incident report form no. CCDP/00077. The main informant is Tarsem Singh, the brother of Kashmir Singh.

Twenty-four year old Kashmir Singh, son of Gulzar Singh and Mohinder Kaur, was a resident of village Jhander, Chelian Wale, under police station Jhander, in Ajnala sub-division of Amritsar district. After finishing his matriculation, he worked as a farmer. He was unmarried and had three sisters.

Around the end of 1985 or the beginning of 1986, the police picked up Kashmir Singh for questioning in the investigation of a murder. SHO Lashkar Singh and Sharma, the in-charge of the police post, brutally tortured him. After this experience of torture, Kashmir Singh could not do heavy physical work. The police also continuously detained Kashmir Singh because his nephew Tasvir Singh, son of Anoop Singh, had joined the militancy in 1987. Kashmir Singh left home after several experiences of torture; and the police then started harassing his family.

On 2 January 1991, around 2 a.m. a police party led by DSP Kirpal Singh of Majitha, and including a CIA Inspector of Mall Mandi Interrogation Centre, arrived at Kashmir Singh's uncle's house in village Arrana, district Kaithal, Haryana. The police brought along Bhai Tarsem Singh, Kashmir's step brother. They abducted Kashmir in the presence of his mother and his uncle's family and took him to Punjab.

The next day, the village Panchayat and others met the SHO and DSP of Majitha but did not get any information about Kashmir Singh. The police released Tarsem Singh from Mall Mandi Interrogation Centre on 6 January 1991. On January 6, the Punjabi daily *Ajit* also reported that Kashmir Singh was killed in an encounter with the Majitha Police near village Ranewali. The family approached SSP P.S. Gill through political leaders and got Kashmir Singh's ashes from the Durgiana Mandir cremation ground where his name was recorded in the register.

For three years, the police prevented Kashmir Singh's family from cultivating their land. The police, specifically SI Dharam Singh and SSP Anil Kumar, damaged the family's house and confiscated the motors of their tube-wells. They returned the motors three years later in useless condition but did not return four fans and a motor starter. Total, the family suffered a loss of 145,000 rupees. After Kashmir's death, his mother suffered from mental trauma, but could not continue treatment at a hospital because of lack of financial support.

In separate incidents, the police also killed Kashmir Singh's nephew Tasvir Singh in a false encounter on 9 September 1992 and Kashmir Singh's brother-in-law Kulwant Singh, son of Gurmej Singh. Kashmir's uncle Gurmukh Singh, from village Badowal in district Gurdaspur, was implicated in a pistol case and tortured by SHO Sood of Majitha. The court acquitted him. The Majitha police also illegally detained Kashmir's cousins Major Singh, Balwinder Singh, Gurmej Singh, and Bachan Singh and his son.

65. Under serial no. 228/26, the CBI list partially identifies the cremation of Malkait Singh, s/o Dharam Singh, carried out by Jandiala police on 18 February 1991. There is no FIR no. or post-mortem report number. The cause of death is given as "encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/01226. The main informant in the case is Dalbir Singh, the victim's brother.

Twenty-five year old Malkeet Singh, son of Dharam Singh and late Kartar Kaur, was a resident of the locality of Patti Gopi Ki in village Sathiala, under Beas police

station, in Baba Bakala sub-division of Amritsar district.

Malkeet Singh was an Amritdhari Sikh. After completing his matriculation, he took up agricultural farming. His family says that while no case was ever registered against Malkeet Singh, he was inclined towards the militancy. However, the Police were not aware of his activities.

On 17 February 1991 at 5.15 p.m. Malkeet Singh was chatting with an army jawan from his village, Amarjit Singh, s/o Mohinder Singh, in front of the main Gurdwara of the village. Just then, a patrolling party of 73 Battalion of CRPF led by Sub Inspector Sardool Singh arrived. The CRPF jawans surrounded both men, aimed their weapons at them and told them to raise their hands. Amarjit Singh pleaded with the CRPF men that he was an army jawan on leave. Amarjit Singh tried to show his identity card, but the CRPF's jawans would not listen. The CRPF shot both of them dead there in front of villagers. They collected the bodies and departed quickly.

The following day, on 18 February, the newspapers published a report that the police had killed two militants in an alleged encounter near Gakhar Baba, on the outskirts of village Sathiala. The shooting deaths of Amarjit and Malkeet, however, had taken place in front of the gurudwara in the village. The villagers said that the CRPF did have some information about the activities of Malkeet Singh, but Amarjit Singh Fauji was absolutely innocent. The CRPF personnel could have easily arrested both of them, too.

The family of Malkeet Singh took no action against his extra-judicial killing. However, on the basis of information received from the family of Amarjit Singh, an army jawan, senior Army officers visited village Sathiala and conducted a thorough investigation into this incident. Based on their findings, both the accused CRPF men, specifically Sub Inspector Sardool Singh and Havaldar Dharam Pal of 73 Battalion, were tried in an army court and sentenced to death by hanging.

The CBI's first list fully identifies the cremation of Amarjit Singh, s/o Mohinder Singh, r/o Sathiala, Under serial no. 227/23. His cremation, however, was carried out by SHO Rajan Singh of Beas police station. There is no FIR no. The post-mortem report number is 177/18.2.1991 and the cause of death is given as "police encounter".

66. Under serial no. 330/41, the CBI list partially identifies the cremation of Kulwinder Singh alias Kinda, s/o Bawa Singh, carried out by SI/SHO Basant Singh of Beas police station on 16 November 1991 under FIR no. 194/91. There is no post-mortem report number. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/01347. The main informant in the case is the victim's father Bawa Singh.

Eighteen-year old Kulwinder Singh alias Kinda, son of Bawa Singh and Kans Kaur, was a resident of Lehndi Patti, village Dhardeo, under police station Mehta, in Baba Bakala sub-division of Amritsar district. He had two older brothers, Satnam Singh who served in the army and Gurcharan Singh who was an ex-constable of the Punjab Armed Police. Kulwinder had abandoned his studies in 1985 in class VII and started working as a farmer.

In 1990, scared of militants' threats to families of policemen, Gurcharan Singh quit the police service. However due to this decision, the Punjab police began to

suspect Gurbachan of being a supporter of the militants. The police arrested him on the basis of this suspicion. In 1991, he was booked by the Mehta police under section 307 IPC, the Arms Act and TADA , and sent to jail.

On 10 November 1991, while Gurcharan was detained in the Central Jail, Amritsar, a police party comprised of police from several police stations including Mehta, Beas, and Raiyya and led by SP (operations) Mr. Banga, DSP Darshan Singh Mann and the SHO's of the police stations such as SHO Wasan Singh of Beas, surrounded the village of Dhardeo. At about 10 or 11 a.m., the police arrested Kulwinder Singh and Kulbir Singh s/o Harbhajan Singh.

After Kulwinder's arrest the family approached influential politicians to try and secure his release. On 11 and 12 November the family did not know where the police were detaining Kulwinder. On 13 November they learnt that Kulwinder was at the Beas police station. That same day, Bawa Singh and a relative who was an Akali leader met SSP Majitha, Paramjit Singh Gill, in Amritsar. The SSP promised Kulwinder's release in a day or so. On the 16th, Bawa Singh, accompanied by two Akali leaders, met DSP Darshan Singh Mann at Baba Bakala. The DSP informed them that Kulwinder had been killed the previous night and they should go to Amritsar immediately if they wanted to attend his cremation. When Bawa Singh and the Akali leaders reached Amritsar, the police had taken the body for a post-mortem to the medical college, Amritsar. Although family and relatives had reached the grounds and were present at the time of the cremation, the cremation was attended only by the police.

On 17 November 1991, newspapers reported the death of an alleged militant Kulwinder Singh. The police reported that they were taking Kulwinder Singh to recover weapons when militants attacked them. The police returned fire and Kulwinder was killed in the cross fire. This occurred near village Dhiampur under police station Beas.

Ninder Singh s/o Naranjan Singh, resident of village Dhardeo, was also arrested and killed with Kulwinder Singh. None of the CBI lists contain information on his cremation.

Even after the murder of Kulwinder, the police continued to harass his older brother Gurcharan Singh. Two more cases were registered against him. Due to his political activities as an activist of the Sikh Student Federation, the police repeatedly arrested him. This process continued until 1995.

In 1999, after the NHRC invited claims on prescribed proformas from the next-of-kin of those who had disappeared or had been killed by the police, Bawa Singh also submitted a claim regarding the extra-judicial killing of his son Kulwinder Singh. The police visited the family several times after that. However, the family has not heard from the NHRC about the progress of the case.

67. Under serial no. 345/44, the CBI list partially identifies the cremation of Gursewak Singh alias Fauji carried out by SHO Amar Singh of Jandiala police on 24 December 1991. There is no FIR no. or post-mortem report number. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/01354. The main informant in the case is the victim's mother Kulwinder Kaur.

Twenty-three year old Gursewak Singh, the youngest son of late Suba Singh and Kulwinder Kaur, was a resident of village Kaler, post office Bagarian, under Tarn Taran's City police station, in Tarn Taran sub-division of Amritsar district. Two of his brothers were in the Indian army . After completing his studies, Gursewak started helping his father with farming.

In 1990, the police started arresting Gursewak on suspicion that he had links with militants. The family says that, at that time, they had strained relations with some people in the village. These people would lodge false complaints with the police that Gursewak had links with militants. On the basis of these secret complaints, the police would arrest and torture him. The police registered cases against him twice and also sent him to jail. When he would come out of jail, the police would start raiding his home again to arrest him.

After his last release from jail, Gursewak started staying away from home from fear of the police. The police started harassing and detaining his family members. His father Suba Singh, to protect the family, had a notice published in the newspapers disinheriting his son, Gursewak, but the police still did not stop harassing them.

On 22 December 1991, Gursewak and his cousin who served in the army , Hansa Singh, son of Anokh Singh resident of Kaler, were going to Jalandhar by bus. The Jandiala Guru police arrested both of them from the bus between the towns of Jandiala Guru and Tangra on the G.T. road. Gursewak tried to escape but was caught by the police. Hansa Singh made no attempts to escape.

On 25 December 1991, Punjabi dailies *Ajit* and *Jagbani* reported that on the night of 23-24 December, a newspaper reported that the police killed Gursewak Singh and an unidentified militant in an encounter near the village Wadala Jauhal. When the family went to Jandiala Guru police station, they were told that the two men had been cremated at Durgiana Mandir cremation ground and that the family could collect the ashes. Both families were also shown clothes at the police station, which they recognised as those of Gursewak and Hansa Singh.

The family also visited the site of the "encounter". The residents of the surrounding houses told them that when the police brought the two men there, one of them was loudly abusing the police. The neighbours testified that the two men were already in the custody of the police.

68. Under serial no. 354/29, the CBI List partially identifies the cremation of Kamaljit Kaur, w/o Surjit Singh, carried out by SI/SHO Basant Singh of Beas police station on 1 March 1992 under FIR no. 26/92. There is no post-mortem report number. The cause of death is given as "bullet injuries".

The committee has gathered the following information about this case from its incident report form no. CCDP/00321. The main informant is the victim's husband Surjit Singh.

Twenty-four year old Kamaljit Kaur, daughter of Piara Singh and Dalbir Kaur, was a resident of village Kammoke, post office Butala, under Beas police station, in Baba Bakala sub-division of Amritsar district. She was married to Surjit Singh who worked as a farmer.

On 29 February 1992, while Kamaljit Kaur was sleeping on the roof of her village Gurdwara, the police came and started firing. Her family found only blood stains and



Kamaljit Kaur

not her body when they went to the Gurdwara. The police informed the family about her cremation at Durgiana Mandir cremation ground. The family did not attend the cremation, although they did collect her ashes. Kamaljit Kaur's family met SHO Wasan Singh of Beas and DSP Darshan S. San of Baba Bakala, but the police officers maintained that Kamaljit Kaur was killed in a police encounter. The Punjabi dailies *Ajit* and *Jagbani*, and the English-language *Tribune* reported her death.

The police also damaged the family's property and confiscated cash. Strangely, the CBI's third list of unidentified cremations lists another cremation carried out on 1 March 1992 by SHO Wasan Singh of Beas police station under the same FIR no. 26/92. The post-mortem report is marked as ND/FM/234/92 and the cause of death is given as "police encounter". There is no information on the identity of this second person.

In another incident, Surjit Singh's older brother Dharamvir Singh was killed in an alleged encounter by the Jammu Kashmir police at the border. According to Surjit Singh, a case has been registered against six policemen for his brother's death.

69. Under serial no. 396/58, the CBI list partially identifies the 6 May 1992 cremation of Manjinder Singh, s/o Kaker Singh, carried out by ASI Lakhbir Singh of Jandiala police station under FIR no. 62/92. The post-mortem number is WD/368 6.5.1992. The cause of death is given as "bullet injuries".

The committee has gathered the following information about this case from its incident report form no. CCDP/01148. The victim's mother Gurnam Kaur and brother Sharanjit Singh are the main informants in this case.

Twenty-four year old Manjinder Singh, son of Thakar Singh and Gurnam Kaur, was a constable of the Punjab police, resident of Pakho ke village, under Tarn Taran's Sadar police station, in Tarn Taran sub-division of Amritsar district. He was unmarried.

After completing his Higher Secondary School, Manjinder joined the Government Physical College at Patiala for a diploma in sports training. During school, Manjinder had been a very good volleyball player and had participated in competitive matches at the inter-state level. Because of his sports record, Manjinder was selected for the Punjab police while he was still doing his diploma at the Patiala College.

In 1992, Manjinder returned to his village on leave and did not report back to duty. He was under pressure from several relatives who the militants had threatened to make Manjinder give up the police service. He had also received indirect threats to quit the police department if he cared for his parents' well-being. Manjinder decided not to endanger their lives and stayed away from the department. Soon, he began to receive letters from his department to report back to duty. He ignored the letters.

In the last week of April 1992, on the 28th or 29th, Manjinder had gone to Jandiala Guru town to do some shopping and, in the market, he met with Gurdev Singh, son of

Harbans Singh, and Major Singh, son of Jagir Singh, both from his village. Their meeting was coincidental and they walked together to Bira Singh's watch repair shop. The Jandiala Guru police, led by SHO Udham Singh, arrested Manjinder and his companions while one of them was getting his watch fixed. The police blindfolded all of them and took them away in a police vehicle.

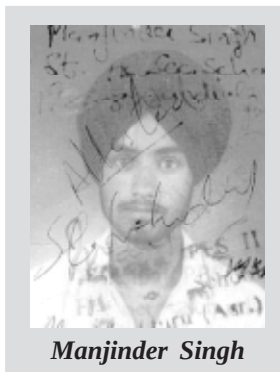
Manjinder's sister Gurnam Kaur was also in the market and, noticing the commotion, she made inquiries and found out that the police had abducted her brother and two others from her village. A large number of people had witnessed the abduction and, since Pakho Ke was very close to Jandiala town, the news of the abduction soon reached Manjinder's parents.

Manjinder's brother Surjit Singh rushed to the Jandiala Guru police station and found out that all three persons arrested by the SHO had been taken to Amritsar's Mall Mandi Interrogation center. The family members tried to make inquiries at the Mall Mandi Interrogation center but no responsible officer spoke to them. The Jandiala Guru police registered a case against Major Singh. The arrests of Manjinder and Gurdev remained unacknowledged.

On 7 May 1992, Manjinder's family members read a report in the newspaper, *Ajit*, that announced his killing in an encounter near village Dala Kalan. Another militant named Gurdev Singh Bhutoo was also reported killed. The encounter had supposedly occurred when the police were taking them for the recovery of weapons. The report quoted police officials as suggesting that some militants lying in ambush attacked the police vehicle and, in the ensuing exchange of fire, both Manjinder and Gurdev died. The police had already cremated the bodies at the Durgiana Mandir cremation ground on 06 May 1992. The families collected the ashes from the cremation ground.

The newspaper reports about the encounter clearly identified both Manjinder and Gurdev Singh and spoke about only two killings. The CBI's identified list, Under serial no. 395/80, shows the cremation of Gurdev Singh on 06 May 1992, whereas Manjinder's cremation figures in the CBI's partially identified list. Manjinder's father's correct name is Thakar Singh. Also surprising is the fact that the CBI's list of unidentified cremations, Under serial no. 397/259 and 398/260, shows two additional cremations carried out by the Jandiala police on 06 May 1992 under the same FIR no. 62/92. These entries suggest that either more than two persons were killed in this so-called encounter or the police cremated two others not involved in the encounter under the same FIR.

The CBI placed Manjinder's cremation in the partially identified list and also distorted his father's name. Manjinder's elder brother Sharanjit Singh told The committee members that several CBI officers had visited his house to make inquiries after the Supreme Court ordered an investigation into the matter of secret cremations. According to Sharanjit, the officers recorded detailed statements from all of the families connected with this episode. Sharanjit claimed to have seen a CBI inspector going around with SHO Udham Singh who was responsible for the abductions and



Manjinder Singh

the killings. According to him, Udham Singh's gunmen talked to the shopkeepers in Jandiala town and told them not to admit to having seen the abductions.

Major Singh, son of Jagir Singh of Pakho Ke village, had also been abducted along with Manjinder and Gurdev. Major Singh was, however, implicated in a case and sent to jail. After his release on bail, four months later, he disclosed that SHO Udham Singh had taken all of them to Mall Mandi Interrogation center where they had been brutally tortured. Gurdev lost consciousness under torture and did not recover from his condition. Major Singh himself had suffered severe torture and died on 04 April 1993, some months after his release.

70. Under serial no. 407/62, the CBI list partially identifies the 29 May 1992 cremation of Pratap Singh, s/o Harbans Singh, r/o Jandiala, carried out by ASI Dharam Pal of Jandiala police station under FIR no. 88/92. There is no post-mortem report number. The cause of death is given as "bullet injuries".

The committee has gathered the following information about this case from its incident report form no. CCDP/01103.

Eighteen-year old Pratap Singh alias Buddhu, son of Harbans Singh and Swaran Kaur, was a *Dalit* Sikh boy belonging to village Vadala Jauhal, Charhdi Patti, under Jandiala Guru police station, in Amritsar sub-division and district. Although illiterate, Pratap was recognized as a proficient tailor and had been running a successful workshop at the neighboring village of Talwandi Dogra since 1988. Because of the workload, he often stayed back in his workshop. Pratap was unmarried and did not have a criminal or political background. One of his brothers Hardeep Singh, then a Special Police Officer, is now a constable of the Punjab police.

Early in the morning of 26 May 1992, around 6 a.m. SHO Udham Singh of Jandiala Guru police station led a search operation in the village Talwandi Dogra and arrested Pratap from his workshop and four other residents of the village from their homes. Among the four persons arrested along with Pratap Singh were: [1] Davinder Singh, s/o Darshan Singh, [2] Balbir Singh, and [3] Kuldeep Singh. The arrests were witnessed by the family members and other village residents.

Over the next days, Pratap's brother Hardeep Singh tried to intervene and secure his brother's release from the illegal custody. His efforts failed.

Four days after these arrests, several Punjabi newspapers carried a report claiming that the police had killed two militants Pratap Singh and Davinder Singh in an encounter. Pratap's family members were not informed about the incident and the police carried out the cremation without their knowledge.

Davinder Singh's cremation is recorded in the CBI's list of identified cremations Under serial no. 406/83 and has been discussed in the relevant section of this report. The fate of the other three arrested along with them remains unknown.

71. Under serial no. 419/63, the CBI list partially identifies the 10 June 1992 cremation of Jagir Singh, s/o Udham Singh, carried out by Lopoke police. There is no FIR no. or post-mortem report number. The cause of death is given as "bullet injuries".

The committee has gathered the following information about this case from its

incident report form no. CCDP/01280. The main informant in this case is the victim's nephew Jagtar Singh.

Twenty-two year old Jagir Singh alias Deen, son of Udham Singh and Paal Kaur, was an Amritdhari Sikh farmer from village Kakar Tareen, post office Sorian, under Lopoke police station, in Ajnala sub-division of Amritsar district. He was unmarried.

Jagir Singh was a deeply religious Sikh and sympathized with the Sikh militant movement that developed after the June 1984 Indian military operation in Punjab. However, he had no active connections and had never been arrested or interrogated before his abduction.

In the evening of 8 June 1992, around 7 p.m. some policemen in plain clothes raided Jagir Singh's house and abducted him in the presence of all of his family members. The policemen threatened to kill him and other members of the family if they raised an alarm and ordered them to keep quiet. It was already dark and the family members were unable to pursue the abductors. The next morning, they went to Lopoke police station but failed to obtain any information on Jagir.

On 10 June 1992, some policemen came to the house again and took Jagir's brother Gulzar Singh and two other residents of the village to the Lopoke police station where they were shown Jagir Singh's body. The police allowed the family members to come along to Amritsar, where the body was sent for a post-mortem, and then attend the police cremation at the Durgiana Mandir cremation ground.

On 12 June 1992, the Punjabi daily *Ajit* published a report, based on the police briefing, claiming that the police had killed a militant, Jagir Singh alias Deen, in an encounter with the police near village Bhullar.

72. Under serial no. 421/64, the CBI list partially identifies the 14 June 1992 cremation of Suraj Kumar Singh carried out by Jandiala police. There is no FIR or post-mortem report number. The cause of death is given as "bullet injuries".

The committee has gathered the following information about this case from its incident report form no. CCDP/01109. The main informant in the case is victim's wife Paramjit Kaur.

Thirty-three year old Surjit Singh alias Bhola, son of Harnam Singh and Kesar Kaur, was a farmer from village Bhorshi Rajputan, Jasso Nangal, under Khilchian police station, in Baba Bakala sub-division of Amritsar district. Married to Paramjit Kaur, Surjit was the father of a daughter and two sons. According to Paramjit Kaur, her husband was not involved in politics and had never been arrested or interrogated before his execution.

On 7 May 1992, a large police force led by DSP Balkar Singh and SHO Udham Singh of Jandiala police carried out a house to house search of village Bhorshi Rajputan and arrested Surjit Singh and two others for interrogation. The other two of the village were Jatinder Singh, s/o Rachhpal Singh, and Paramjit Singh, s/o Joginder Singh. The next morning, several residents of the village and members of the village council met the SHO. He said that the interrogation was in progress and refused to



Surjit Singh

make any commitment about their prospective release. Several members of the village council who were part of this delegation saw Surjit in a room inside the police station. Surjit signaled them to come near him, but the members were scared of the SHO and did not attempt to talk to him.

On 8 May 1992, newspapers reported that a militant of Bhorshi Rajputan named Surjit Singh had been arrested. Some weeks after the alleged arrest, another newspaper report quoted the police sources as claiming that Surjit Singh, the arrested militant from Bhorshi Rajputan, had escaped from police custody.

In 1995, Surjit Singh's family members filed a petition before the High Court of Punjab and Haryana through advocate Rajwinder Singh Bains, demanding an impartial inquiry into the circumstances of Surjit Singh's disappearance. However, Surjit's wife Paramjit Kaur is not aware of any action in the matter though it is supposed to be pending. According to her, some CBI officers who had been instructed by the Supreme Court to examine the complaint about the secret cremations in Punjab also visited her house and recorded her statements. Some days later, SHO Udham Singh and DSP Balkar Singh sent their emissaries to Paramjit Kaur, offering to make a payment if she agreed to withdraw her complaint. Paramjit Kaur, who insists on justice, turned them away.

73. Under serial no. 497/75, the CBI list partially identifies the 22 September 1992 cremation of Kewal Singh, s/o Rama Issain, carried out by the SHO of Lopoke police under FIR no. 106/92. There is no post-mortem report number. The cause of death is given as "bullet injuries".

The committee has gathered the following information about this case from its incident report form no. CCDP/01271. The main informant in the case is the victim's father Rama Masih.

Kewal Masih alias Kewal Singh, son of Rama Masih and Taro, from Bhindi Aulakh village, under Lopoke police station, in Ajnala sub-division of Amritsar district, was a 20-year old Christian boy who earned his livelihood as a milk vendor. He was married to Paramjit and was the father of two sons.

Around 16 September 1992, Kewal Masih was arrested by the police at Nawin Abadi area of Amritsar where he had gone to sell milk and was killed in a so-called encounter the same night along with four other unidentified young Sikhs. The cremation was carried out without the family's knowledge. The cremation of Baldev Singh, s/o Karam Singh, r/o Bundala, one of the persons alleged to have been killed with Kewal Masih in a news article, was on the CBI's first list Under serial no. 496/133. Baldev Singh was cremated on 22 September 1992 by the SHO of Lopoke police station, under the same FIR no. 106/92. There is no post-mortem report number, and the cause of death is given as "bullet injuries".

74. Under serial no. 542/83, the CBI list partially identifies the 25 November 1992 cremation of Gurdev Singh, r/o Sansara Kalan, carried out by Narinder Singh of Jhander police. There is no FIR no. or post-mortem report number. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its

incident report form no. CCDP/01265. The main informant is the victim's mother Sawinder Kaur.

Gurdev Singh, son of Kartar Singh and Sawinder Kaur, was a twenty-two year old truck driver from village Sehnsra Khurd, post office Sehnsra Kalan, under Jhander police station, in Ajnala sub-division of Amritsar district. He had no political associations and had never been arrested before his execution. Gurdev was unmarried.

On 16 November 1992, Gurdev was carrying sand for a client in his village when his truck hit a car that was parked near the bus stand in village Sehnsra Kalan. The occupants of the car, some policemen who had come to attend a function in the village, picked a quarrel with Gurdev and finally pushed him in their car and handed him over to the Jhander police. After some hours, the Jhander police also took his truck away.

Gurdev's family members found out about the incident and immediately went to Jhander police station to plead for his release. But they were not allowed to enter the station.

On 24 November 1992, Gurdev Singh was killed as a militant in a fake encounter. Two Punjabi newspapers, *Ajit* and *Jagbani*, published a report of the police version of the encounter on 26 and 27 November 1992. After reading the newspaper reports, the family members went to the Durgiana Mandir cremation ground to collect his ashes, but were unable to locate his pyre.

According to Sawinder Kaur, her husband Kartar Singh was unable to bear the shock of his son's murder. He suffered a heart attack and died a month later.

75. Under serial no. 582/92, the CBI list partially identifies the 4 March 1993 cremation of Sukhdev Singh, s/o Kishan Singh, r/o Hrian, carried out by Kathunangal police under FIR no. 13/93. The post-mortem report number is GM/1061/93. The cause of death is given as "police encounter".

The committee has gathered the following information about this case from its incident report form no. CCDP/01213. The victim's father Kishan Singh is the main informant.

Twenty-three year old Sukhdev Singh alias Billa, son of Kishan Singh and Sawinder Kaur, was a resident of village Saidpur, under Mattewal-Chogawan police station, in Baba Bakala sub-division of Amritsar district. Sukhdev Singh's father Kishan Singh belongs to a 'dalit' Ramdasia Sikh family. The ancestral village of Kishan Singh is Harian under Majitha Police station in Amritsar district, but for the last 16 years, he has been living at Radha Soami Dera, Saidpur branch. He had a son, Sukhdev Singh, and two daughters. Sukhdev Singh was the eldest.

After passing his Middle exam, Sukhdev Singh began work as a carpenter. He eventually went to work for the Saidpur branch of Radha Soami Dera. For about one and a half years, he stayed at his mother's parental house at village Bhoma. He had to leave the Dera, however, after a heated argument with another person there. That person then tried to instigate the police to arrest Sukhdev by lodging a false complaint against him. The panchayat intervened and vouched for his character. Thus, the police did not arrest him.

In 1991, his father delegated to him the responsibility of building a house for the family at Majitha Town. His father Kishan Singh had noticed that Sukhdev Singh was moving in the company of some youth who were involved in militant activities

in the area. After some effort, Kishan Singh was successful in moving Sukhdev Singh away from such people. Kishan Singh sent Sukhdev Singh to the house of a relative in Jammu. With the co-operation of his relatives, Sukhdev Singh set up his woodwork there. Gradually, he shifted from his relative's home to a rented house.

On 26 February 1993, SHO Dilbagh Singh of Kathu Nangal police station raided the workshop-cum-residence of Kishan Singh at Radha Soami Dera in village Saidpur and arrested him. The police took him to Kathu Nangal Police Station. At midnight, the police directed him to accompany them to Jammu where his son was. The police reached Jammu at 5 a.m. along with Kishan Singh who guided them to the house where Sukhdev Singh used to reside earlier. The house owner told them that Sukhdev had vacated his room a long time ago and that at present he lived near K.C. cinema. The police party reached that house and knocked at the door. Sukhdev Singh was asleep when they arrived. As he opened the door, the police tied his arms behind his back. His luggage was dumped in the vehicle. The policemen confiscated whatever items were left, such as clothes, watch, clock and stereo. The police party returned to Kathu Nangal police station along with the father and son.

Several villagers had already reached Kathu Nangal police station before the police arrived with Kishan Singh and his son. The police parked the vehicle inside the police station and closed the gate. Both the father and son were locked up in different rooms. At about 3 p.m. SHO Dilbagh Singh brutally tortured Sukhdev Singh. The SHO asked him to disclose what incidents he had carried out. Sukhdev Singh maintained that he had kept company with some militants, but he himself never did anything unlawful. However, the police did not believe him and continued thrashing him for about 45 minutes. Kishan Singh, who was made to sit in a room opposite Sukhdev's, witnessed all of this. As Sukhdev Singh lost consciousness, the police stopped torturing him. They called a doctor and got medicine for him.

That evening, on 27th February, the police released Kishan Singh at about 6.30 p.m. at the intervention of the villagers. However, before that, the police had whisked away Sukhdev Singh to an undisclosed destination. While releasing Kishan Singh, the SHO said, "You go. We will release him (Sukhdev Singh) tomorrow".

The following day, when Kishan Singh met the SHO, he judged from the attitude of the SHO that he wanted some money. But some junior policemen told him not to give the SHO any money as Sukhdev Singh had been sent to Mall Mandi Interrogation Centre Amritsar and that it was not within the SHO's power to release him now. The family members continued to try to secure Sukhdev Singh's release but they could not succeed. Kishan Singh continued to make efforts to bribe the SHO through some middleman.

On 5 March 1993, the newspapers published an item stating that a militant Sukhdev Singh alias Billa was killed when militants ambushed the police party escorting him. The police fired in retaliation and, in this crossfire, Sukhdev Singh was killed. According to the police, the incident had taken place near village Taparian. The police carried out the cremation of Sukhdev Singh.

76 – 79. Under serial nos. 590/93, 591/94, 592/95, and 593/96, the CBI List partially identifies four 29 March 1993 cremations carried out by Kathunangal police station. They are of [1] Manga Singh, s/o Teja Singh, [2] Harsavans Singh, s/o Narain Singh, [3] Jagtar Singh, s/o Dharam Singh, and [4] Balwinder Singh, s/o

Rattan Singh. There are no FIR nos. or post-mortem report numbers. The cause of death is given as “police encounter”.

The committee has gathered the following information about these cases from its incident report form no. CCDP/01227, 00330 and 01228. The main informants are Milkha Singh, brother of Harbans Singh; Darshan Kaur, wife of Jagtar Singh; and Ratan Singh, father of Balwinder Singh.

Twenty-nine year old Harbans Singh, son of Narayan Singh and Balwant Kaur, was a *Mazhabi* Sikh resident of village Ghaseetpura Kalan, post office Hardo Jhande, under Batala Sadar police station, in Batala sub-division of Gurdaspur district. His parents have both passed away. He was married to Baljit Kaur and had three children — two sons and one daughter. Harbans did not have any political or militant connections. Some militants had killed his brother Sukhdev Singh. Harbans Singh worked as a truck driver and the police suspected Harbans of transporting stolen goods in his truck.

On 21 March 1993 at 10 a.m. a police party from Kathu Nangal police station, led by SHO Dilbagh Singh, came to Harbans Singh's house and asked for him. His family told the police that he had gone to attend the bhog, or last rites, at somebody's house in the village. The police took Harbans' wife along and went to the house where Harbans had gone to attend the function. At this house, the police arrested Harbans and drove away with him.

The next day, his family members, including his uncle and brothers Milkha and Preetam Singh, met the SHO at Kathu Nangal police station. The SHO promised to release Harbans after interrogation. His family continued to meet Harbans daily and bring him tea and meals. Harbans' employer, the owner of Ball Service Station, also met Harbans in police custody two or three times.

Twenty-six year old Jagtar Singh alias Jaggu, son of Dharam Singh and Kashmir Kaur, was a resident of village Khiala Khurd, post office Khiala Kalan, under Lopoke police station, in Ajnala sub-division of Amritsar district. He was married to Darshan Kaur and had two daughters. Jagtar Singh worked as a manual laborer and did not participate in any political or militant activities.

On 25 March 1993 at 6 a.m. a police party raided Jagtar Singh's house. They first woke up Jagtar's brother Hardev Singh, asked his name, and then knocked on Jagtar Singh's door. When Darshan Kaur opened it, the police barged into the room and confirmed his name. They asked Darshan Kaur for a shawl which they used to tie Jagtar's hands behind his back. Jagtar's brother Ajaib Singh, grandfather Harnam Singh, and sister Lakhwinder Kaur were also present during this raid. Jagtar's father Dharam Singh asked the police why they were arresting Jagtar Singh but the police did not reply nor disclose any information about what police station they were from or where they were taking Jagtar.

That day, Jagtar's father Dharam Singh, along with the Sarpanch and respected persons from the village, went to Police station Verka and met with ASI Dilbagh Singh. The ASI told them he did not know which police party had arrested Jagtar Singh.

Balwinder Singh, son of Ratan Singh and Ratan Kaur, was a *Mazhabi* Sikh resident of village Kotli Dhole Shah Wali, under Kathu Nangal police station, in sub-division and district Amritsar. He was clean-shaven and was the second amongst three

brothers. Balwinder Singh was married; he was illiterate and worked as a labourer. He did not have a political or militant background and had never been arrested by the police.

On 20 March 1993 at about 11 p.m. a police party from Kathu Nangal police station, led by SHO Dilbagh Singh and head constable Kuldeep Singh, knocked at Balwinder Singh's door. When Balwinder Singh's mother opened the door, head constable Kuldeep Singh asked for Balwinder. She replied that he was sleeping inside. She knocked at the door of his room and awoke Balwinder Singh. The police party tied his arms behind his back. When his mother asked why her son was being arrested and where he was being taken, SHO Dilbagh Singh said, "He is in possession of a pistol." The SHO abused Balwinder. He demanded paper from Ratan Kaur and wrote down the names of Balwinder Singh and his father and then started walking to their vehicle with Balwinder Singh. His parents immediately went to see a member of their Panchayat and informed him about this incident. They all rushed in the direction where the police were walking, but by that time the police had started to drive away. They tried to stop the vehicle by signaling with their hands, but the police did not stop.

That same night, the same police party arrested Surjit Singh s/o Dalip Singh, Preetam Singh s/o Udhm Singh and Mukhtiar Singh, all of the same village.

The following morning, the family members of the arrested men from village Kotli Dhole Shah Wali, namely Balwinder, Surjit, Preetam and Mukhtiar, and eminent persons from the village went to Kathu Nangal police station. When Ratan Kaur arrived at the police station, the police were beating the arrested men inside. The Sarpanch was sitting outside the police station. Ratan Kaur began shouting on hearing the shrieks of her son as the police beat him inside. The Sentry at the gate pacified her. Ratan Kaur blamed the village Sarpanch for getting them arrested and beat.

The next day, Ratan Kaur handed a sweater to the Sentry for Balwinder Singh. Ratan Kaur used to go to the police station every morning and stay there in front of the gate till evening. Balwinder Singh would send replies to her messages. Ratan Kaur would also send milk and four cups inside, three to four times a day. His father continued to try to secure Balwinder's release. The police made false promises of releasing Balwinder Singh and the other men everyday. The villagers met the SHO several times but in vain.

Several days after their arrest, as Balwinder's mother Ratan Kaur and Preetam Singh's wife Kashmir Kaur stood outside the police station, Surjit Singh and Balwinder Singh were told to stand near a police vehicle outside the station. Balwinder Singh advanced towards his mother and embraced her. He told her not to worry. The Police took away Balwinder Singh and Surjit Singh in their vehicle.

The newspapers of 29 March reported that Balwinder Singh, Mangal Singh, Harbans Singh Ghaseetpura and another person had been killed in an "encounter" with the Kathu Nangal police, near village Sihania Wali.

A villager informed Darshan Kaur, Jagtar Singh's wife, of the publication of this news report that day. Upon hearing this news, Darshan Kaur and her sister-in-law Balwinder Kaur went to Mall Mandi Interrogation Centre. Failing to gather any information there, they proceeded to Durgiana Mandir cremation ground.

Employees at the cremation ground told Darshan Kaur and Balwinder Kaur that the day before police from Kathu Nangal police station had brought the bodies

of four youth for cremation. All but the youth from Jaintipur were cremated on a single pyre. If this allegation is true, then why did the CBI list all of the cremations separately?

The police did not give the bodies to the family or inform them about their cremations.

The next day, Dharam Singh returned to the cremation ground to collect his son's ashes, although he cannot verify that the ashes he collected belong to his son. Because Jagtar's wife and kids, younger brothers, and parents no longer have a source of income, Darshan Kaur now works stitching clothes and Dharam Singh has resumed manual labor to support the family. Jagtar's grandparents and child passed away after his murder.

Balwinder Singh's wife has since remarried.

The CBI's list of unidentified cremations shows three 31 March 1993 cremations by Mehta police Under serial nos. 596/331, 597/332 and 598/333. There are no FIR numbers or post-mortem report numbers. The cause of death is listed as "police encounter". These cremations probably represent the cremations of Surjit Singh s/o Dalip Singh, Preetam Singh s/o Uddham Singh and Mukhtiar Singh, all of village Kotli Dhole Shah.

THE LIST OF UNIDENTIFIED BODIES

1. Under serial no. 31/31, the list shows one 06 September 1987 cremation carried out by the Lopoke police station. The FIR no. is not mentioned. The post-mortem report is marked as AKL/FM/112/87. The cause of death is given as "police encounter".

The committee's incident report form no. CCDP/00071 reveals the following information about the cremation.

Twenty-year old Savinder Singh, son of Joginder Singh and Balvir Kaur, lived in Bagge Khurd village, post office Bagge Kalan, in Ajnala sub-division of Amritsar district. He was an Amritdhari Sikh and an activist of the Sikh Students Federation. According to Joginder Singh, the main informant in this case, he had never been arrested or charged with any crime before his disappearance.

Around 2 September 1987, the police arrested Savinder Singh as he was leaving the Golden Temple complex at Amritsar that housed the main office of the Sikh Students Federation. The arrest was witnessed by many of his companions who then informed his parents about it.

Joginder Singh immediately sent a telegram to the DGP of Punjab. Two days later, while waiting to meet Dalbir Singh Ravike, a former Member of the Legislative Assembly [MLA], Joginder Singh read a report in the Punjabi daily newspaper *Ajit*, which said that the police had killed Savinder Singh in an encounter near village



Savinder Singh

Mado Ke Brar. Joginder Singh requested Dalbir Singh Ravike to persuade the police officials to hand over the body to the family for its cremation. The former legislator refused to court embarrassment by making a request that he knew the police would never fulfil.

In January 1988, a DSP from Rambagh police station in Amritsar called on Joginder Singh at his house to make inquiries about the killing of his son. The DSP took a copy of the newspaper report about Savinder's death and asked Joginder Singh to come to Rambagh police station to lodge his complaint. Joginder Singh, accompanied by a member of the village council, went to the DSP who recorded his statement and asked him to sign it. Joginder Singh and his companion could not read or write. But he was forced to sign without knowing what the written statement said.

For the next three years, the police continued to harass Joginder Singh, confiscating valuable household goods and not permitting him to cultivate his land. He was also detained illegally several times and forced to bribe the officials for his release. According to Joginder Singh, he has suffered a loss of over Rs. 250,000 from these exactions. His wife Balvir Kaur has become chronically depressed.

2. Under serial no. 329/235, the list shows one 11 November 1991 cremation carried out by ASI Baldev Singh of Mehta police station under the FIR no. 151/91. The post-mortem report is marked as 11.11.1991. The cause of death is given to be "bullet injuries".

The committee's incident report form no. CCDP/00081 reveals the following information about the cremation.

Sardara Singh, son of Boor Singh and Dalip Kaur, was a small farmer resident of Kale Ke, post office Khilchian, in Baba Bakala sub-division of Amritsar district. He and his wife Ranjit Kaur, the main informant in this case, had one daughter and one son. According to Ranjit Kaur, her husband had no connection with the militant movement.

In the morning of 11 October 1991, around 10:30 a.m. Sardara Singh was returning home from purchasing some groceries from a shop in the village. Meanwhile, a large group of Punjab police officers from Mehta police station, together with a unit of the CRPF, had started a combing operation in the village. Sardara Singh was taken into custody on suspicion and later shot dead in a fake encounter.

The police carried out the cremation without informing the family. Ranjit Kaur, saddled with the responsibility of raising her young children, has since been working as a domestic servant in the houses of some well-to-do families in the village.

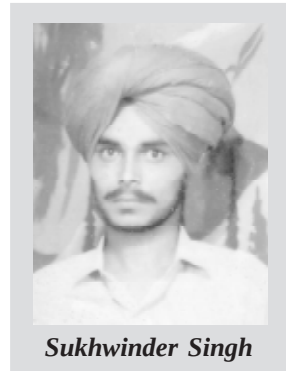
3 – 4: Under serial nos. 390/600 and 391/601, the list shows two 19 December 1991 cremations carried out by SHO Teg Bahadur Singh of Goindwal police station under FIR no. 50/91. The post-mortem reports are marked as KK-19/91 and PS-84/91. The cause of death is given as "firearm injuries".

The committee's incident report form no. CCDP/00115 reveals the following information about one of these cremations.

Sukhwinder Singh alias Shindu, son of Gian Singh Nambardar, the village revenue collector, and Jagir Kaur from Pachhware Wala Khuh locality of Mallian village,

in Tarn Taran sub-division of Amritsar district, was a 23-year old youth. He was unmarried and worked as a laborer in Punjab State Electricity Board. His father Gian Singh is the main informant in this case.

On 13 December 1991, Sukhwinder Singh accompanied by Lakhwinder Singh, son of Bachan Singh, went to Munda Pind village, on a tractor trolley, to do some shopping. While returning, they were apprehended by the police of Munda Pind Police post and handed over to Goindwal Sahib police. SHO Tegh Bahadur of Goindwal Sahib Police station and head constable Rachhpal Singh personally supervised Sukhwinder's interrogation under torture during the course of his illegal detention for five days. The family members regularly visited him in the police station and served him food. Gian Singh met his son at Goindwal police station for the last time on 16 December 1991.



Sukhwinder Singh

Gian Singh, along with several other village elders had been talking to SHO Tegh Bahadur Singh to get Sukhwinder released from his custody. The SHO demanded a bribe of Rs. 200,000 for Sukhwinder's release. Gian Singh, a small farmer, was unable to raise such a large amount and beseeched the SHO to release his son for Rs. 50,000, but the SHO turned down the offer.

Gian Singh was still struggling to raise the amount, demanded by the SHO for his son's release when on 19 December 1991, several Punjabi newspapers reported the killing of Sukhwinder Singh and another unidentified militant in a supposed armed encounter with the police force. The cremation was carried out without the family's knowledge.

5 – 7: Under serial nos. 512/291, 513/292 and 514/293, the list shows three 01 October 1992 cremations carried out by the SHO of Lopoke police station under FIR no. 43/92. The post-mortem reports are marked as AST/FM/19/92, AST/FM/20/92 and AST/FM/21/92. The cause of death is given to be “police encounter”.

The committee's incident report form no. CCDP/00125 reveals the following information about one of these cremations.

Twenty-one year old Halvinder Singh, son of Inderjit Singh and Rashpal Kaur, resident of Kakkar village under Lopoke police station in Amritsar district, was a constable of the Punjab police posted in Batala sub-division of Gurdaspur district. He was married to Gurmeet Kaur.

According to Rashpal Kaur, the main informant in this case, Halvinder had no links with political or militant organizations. In early 1992, Halvinder received several messages from members of the militant underground telling him to either resign from the police service or to face the consequences. Halvinder got scared and absented himself from duty for the next two to three months. In July/August 1992, the village elders took Halvinder to the SSP Batala and explained to him the reasons for his absence. The SSP said that he understood and asked Halvinder to rejoin his duty.

On 8 September 1992, Halvinder came home on a short leave. On 9 September 1992, around 11 a.m. a group of officers from Lopoke Police Station, led by ASI

Surinder Singh, arrested Halvinder in the presence of his family members and took him to Lopoke police station. Halvinder's father Inderjit Singh followed them to the police station where he was allowed to meet his son and also give him some food. Halvinder handed over his Identity Card and his money purse to him. ASI Surinder Singh then advised Inderjit Singh to come back to the police station the next morning along with members of his village council to take his son back.

Inderjit Singh went back to Lopoke police station early in the morning of 10 September 1992 and met SHO Dharam Singh who said that his son had been arrested on instructions from the SSP and that his interrogation was not yet complete. The SHO allowed him to briefly meet his son in the lock-up. Halvinder was in a very bad shape from torture inflicted on him in the course of his interrogation. Halvinder explained that his superiors accused him of keeping weapons for the militants and wanted him to confess his connections with them.

Inderjit Singh continued to visit the police station for the next five days but was unable to meet his son. The SHO said that SSP Paramjit Singh Gill of Amritsar was personally supervising his interrogation. Halvinder was never seen alive again. Several weeks later, SHO Dharam Singh asked Inderjit Singh to stop bothering him for information and to carry out the last religious rites for his son. Inderjit understood that Halvinder had been killed. He requested his friend Kishan Bhagwan Singh, a retired Major, to meet with SSP Paramjit Singh Gill. He confirmed that Halvinder Singh had indeed been killed in an "encounter" along with two others.

8. Under serial no. 194/267, the list shows an 11 March 1992 cremation carried out by the ASI of the Civil Lines police station. The list does not show the FIR number. The post-mortem report is marked as ND/FM/249/92 and the cause of death is given to be "police encounter".

The committee's incident report form no. CCDP/00126 reveals the following information about the cremation.

Twenty-seven year old Manjit Singh alias Billa, son of Iqbal Singh and Sukhjinder Kaur, was a young farmer resident of village Nangali under Sadar police station in Amritsar district. Manjit had spent some years in Germany and had returned home to help his father with his agricultural work. He was unmarried and his father, a former police officer, is the main informant in this case.

Manjit's father Iqbal Singh had joined the Punjab police as a constable in 1959 and, after serving the force for 31 years, had taken voluntary retirement in 1990. In this period, he had been posted in several districts of Punjab including Hoshiarpur, Gurdaspur and Amritsar. Iqbal Singh took early retirement from the police force primarily for the reason that he could not tolerate the custodial atrocities his superiors and fellow policemen committed on common Sikhs and their use of their powers to extort money by taking innocent persons into illegal custody and forcing their relatives either to pay or to risk their arbitrary execution. He was particularly appalled by crimes routinely committed by his fellow policemen when he was posted at Amritsar's Joint Interrogation center in the period from 1981 to 1983. According to Iqbal Singh, unscrupulous elements within the police force used the situation of violent unrest in Punjab to not only make money but also to obtain speedy promotions by killing innocent persons and labeling them as terrorists. Iqbal Singh had

worked directly under SHO Ajaib Singh of Amritsar's Sadar police station who had joined the police force as a constable but rose to become a DSP. According to Iqbal Singh, the majority of lower officials committed atrocities on illegally detained persons on instructions from their superiors. However, there were several officials who tortured and killed their captives to make money and to impress their superiors about their anti-insurgency zeal and then obtain promotions and perks. According to Iqbal Singh, SHO Ajaib Singh of Amritsar's Sadar police station was one such person.

For these reasons, Iqbal Singh took early retirement. His eldest son, whose name we shall not reveal, had already joined the Punjab police and is still serving the force in a sensitive position. His younger son Manjit Singh went to Germany for some years, but then came to help his father with the agricultural work as his health had begun to deteriorate.

Early in the morning of 24 February 1992, a large police force from Amritsar's Sadar police station, supported by some personnel of the CRPF, raided Iqbal Singh's house and took Manjit away to Sadar police station for an interrogation. The arrest, led by ASI Santokh Singh and head constable Gurbachan Singh, was witnessed by many villagers.

The same afternoon, Iqbal Singh, along with his sympathizers, met SHO Ajaib Singh who spoke to him in a very friendly way and assured him not to worry about his son. He also allowed him to meet Manjit in the police lockup and give him food. Five days later, SHO Ajaib Singh told Iqbal Singh that he had to pay Rs. 500,000 to get his son released from police custody. Taken aback by the demand, Iqbal Singh reminded the SHO of the time they had spent together working for the police force. He also told the SHO that his son was innocent and he was not in a position to raise half a million rupees. The SHO said that his superiors would not release anyone without collecting money and it did not matter whether or not his son was innocent. Iqbal Singh promised to collect as much money as possible within the shortest possible period of time to get his son released.

Iqbal Singh also sent telegrams to several senior police officials and other government functionaries informing them about the illegal arrest of his son. He met the SSP of Amritsar and the DIG (range) to demand that his son be either released from illegal custody or produced before a court. He, however, did not inform them about SHO Ajaib Singh's demand for half a million rupees from fear that the SHO might harm his son. His meetings with the senior officials had no impact on rescuing his son from illegal police custody.

Iqbal Singh was able to raise approximately Rs. 200,000 within twenty days after his son's arrest and offered the amount to SHO Ajaib Singh who rudely told him that he was too late and that he should forget about his younger son. SHO Ajaib Singh warned him not to talk about the episode to anyone if he cared for the safety of other members of his family.

Iqbal Singh was unable to even find out how his son had been killed and his body disposed. Iqbal Singh was unable to initiate any legal action from the fear that Ajaib Singh and his superiors involved in abducting and disappearing his younger son might also eliminate his elder son who was working for the Punjab police.

9 – 11: Under serial nos. 257/196, 258/197 and 259/198, the list shows three 9 June 1991 cremations carried out by the SHO of Beas police station under FIR no.

119/91. The post-mortem reports are marked as 09.6.1991, SS/FM/243/91 and SS/FM/244/91 9.6.1991. The cause of death is given to be “bullet injuries”.

The committee’s incident report form no. CCDP/00138 reveals the following information about these cremations.

Twenty-five year old Lakhwinder Singh alias Lakha, son of Bua Singh and Bachan Kaur, was a Punjab police constable resident of village Gehri Mandi, under police station Jandiala Guru, in Amritsar district. A college graduate who joined the police force in 1987, Lakhwinder was unmarried. His uncle Bachan Singh is the main informant in this case.

On 9 June 1991, several newspapers, including *Ajit*, *Jagbani* and *Punjab Kesari* published a report about Lakhwinder’s killing in a police encounter near village Daule Nangal under Beas police station. According to the newspaper report, published on the basis of a statement issued by SSP Paramjit Singh Gill, police constable Lakhwinder Singh was killed along with two other militants belonging to the Khalistan Commando Force. The SSP in his statement identified the two other two militants as [1] Sukhdev Singh, son of Gurbachan Singh, resident of Dhadian village, under Beas police station, and [2] Dilbagh Singh, son of Darshan Singh, resident of Sangha village in Tarn Taran sub-division of Amritsar district. The press reports referred to claims made by the SSP that Lakhwinder was responsible for 40 cases of murder and Dilbagh Singh, described as the Area Commander of the Khalistan Commando Force, for 50 cases of murder.

According to Lakhwinder’s uncle Bachan Singh, the police handed over the bodies to their relatives who carried out the cremations.

It is indeed extraordinary that the CBI has placed these cremations, clearly identified in the newspaper reports and the SSP’s statement published on 9 June 1991, in its list of unidentified cremations. It is also not clear how these cremations figure in the CBI’s list of illegal cremations carried out by the Punjab police if the bodies had indeed been returned to the family members.

12 – 17. Under serial nos. 117/212, 118/213, 119/214, 120/215, 121/216 and 122/217, the list identifies six cremations carried out by the SHO of Jhabbal police station on 3 August 1990 under the FIR number 91/90. The post-mortem reports are marked as SS-37/90, SS-38/90, SS-39/90, PK-1/90, PK-2/90 and PK-3/90. The cause of death in all cases is given to be “firearm injury”.

The committee’s incident report form no. CCDP/00144 reveals the following information about these cremations.

Twenty-five year old Harjit Singh, son of Jagir Singh and Sawinder Kaur, was a young farmer resident of Lalu Ghuman village, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. His father Jagir Singh, the head of a religious institution named after an old Sikh saint Baba Khushi Das at village Thatta, is the main informant in this case.

According to Jagir Singh, his son Harjit had been illegally arrested once in June 1990. The police brutally tortured him under illegal custody for ten days, but they released him without any charges.

On 01 August 1990, a large police force from Jhabbal and Tarn Taran police

stations surrounded two neighboring villages Lalu Ghuman and Mannan on the basis of information that some militants were hiding between them. The siege of Lalu Ghuman lasted thirty-six hours. The same afternoon the police force killed four militants after storming a house where they were hiding.

Earlier that morning, Harjit had gone to visit his aunt at village Mannan, and was arrested there by SHO Gurdev Singh of Jhabbal police station. A large number of people witnessed his arrest. The police took Harjit to Jhabbal police station for interrogation under torture. Some hours later, the SHO got Harjit tied to a police jeep and had him dragged around on the road outside the police station to make an example of what the police would do to persons who sheltered or supported underground militants. The ghastly spectacle was witnessed by a large number of people in Jhabbal. Presumably, Harjit's torture yielded information enabling the police to arrest Kashmir Singh, son of Dara Singh of Lalu Ghuman village who was forced to identify the militant hideout leading to its storming and the killing of the four militants sheltered there. Kashmir Singh was also killed along with them.

Some hours later, Harjit Singh was brought to the site of the encounter and also shot dead.

On the 3rd and 4th August 1990, several newspapers, including daily *Ajit* and *Jagbani*, published a report about the encounter claiming that six militants had been killed. The report was based on a statement issued by the police officials.

The brutal torture and arbitrary killings of Harjit Singh and Kashmir Singh in the fake encounter caused a spontaneous upsurge of anger in the people of Lalu Ghuman and the neighboring villages. Thousands of people staged a demonstration before Jhabbal police station to demand the return of their bodies. The police dispersed the crowd with force and carried out the cremations without informing the families. The newspaper reports chose to ignore the event. Harjit Singh and Kashmir Singh were also cremated as unidentified militants killed in the encounter.

18. Under serial no. 552/893, the list shows a 27 October 1992 cremation carried out by SHO Siddhu of Jhabbal police station. The list does not mention the FIR no. The post-mortem report is marked as KK-68/92 and the cause of death is given to be "firearm injuries".

The committee's incident report form no. CCDP/00195 reveals the following information about the cremation.

Thirty-five year old Balwinder Singh alias Bindu, son of Amar Singh and Gurbachan Kaur, was a farmer resident of village Jhabbal Kalan, Patti Sabai Ki, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. Married to Rajwant Kaur, the main informant in this case, he was the father of three minor children, two sons and a daughter. Balwinder's elder brother Zail Singh was an officer of the Indian army. Balwinder had no association with the militant movement and had never been arrested or interrogated.

On 4 October 1992, around 1:30 p.m. a large police force led by DSP Ashok Kumar and SHO Amarjit Singh of Jhabbal police station raided Balwinder's house when he was working in his fields. The police officials arrested his mother and his wife and took them to the police station where the police tortured them to force them to confess that a militant named Bagga had taken shelter in their house. The two women did not know

anything about it. But their interrogation under torture continued.

Later in the evening Balwinder was arrested from the house of his friend, known as Chala, son of Dara Singh of the same village, when he was consulting the village elders about how to get his mother and wife released from the illegal police custody. Chala and all his family members were also arrested and taken to the police station. All of them were released the following day. Balwinder's mother Gurbachan Kaur was released four days later. His wife Rajwant Kaur was let off a week later. But the police did not release Balwinder.

Balwinder's brother Zail Singh, an officer of the Indian army, found out about his illegal arrest and immediately returned to his village to try to get him released. He met DSP Ashok Kumar and SHO Amarjit Singh who allowed him to meet his younger brother in the police lock-up. Balwinder's physical condition from his torture was very critical. The DSP Ashok Kumar told Zail Singh that he would release Balwinder as soon as his condition improved if he did not initiate any legal action. Zail Singh hoped for the best and waited for his brother's condition to improve, meeting him every day in the police lockup between October 14th and 20th. On the 21st, SHO Amarjit told him that Balwinder had been transferred to Ferozepur police for further investigations. Zail Singh immediately went to Ferozepur and found out that Balwinder had not been brought there.

Zail Singh and the family panicked and tried to identify persons who could influence DSP Ashok Kumar to disclose the truth about his brother. They managed to persuade Baba Sodhi from Kartarpur town in Jalandhar, a scion of the fifth Sikh guru, Guru Arjun's clan, to meet with the DSP to find out what happened to Balwinder. The DSP told him that he should have intervened earlier and that Balwinder had already been killed. The meeting took place towards the end of October 1992.

Zail Singh then addressed petitions to the highest functionaries of the Indian State, including the President, the Prime Minister and Home Minister of India, the Chief Justice of the Supreme Court, the Chief Minister of Punjab and the Director General of Punjab police. The petitions narrated the sequence of events beginning from his brother's abduction to his disappearance and demanded an independent inquiry to determine what the police had done to him. The petitions remained unacknowledged.

Balwinder's widow Rajwant Kaur later filed a petition before the High Court of Punjab and Haryana, praying for the direction to the State authorities to either produce her husband before the court or to disclose what actually happened to him. The court admitted the petition, marked Criminal Writ Petition No. 1380/1995, and issued notice to the police officials asking them to file their affidavits in the matter. The court dismissed the petition, after the police officials denied having ever arrested Balwinder Singh, with the observation that she was free to approach a lower court with a criminal complaint. The Supreme Court also refused to admit her appeal.

According to Rajwant Kaur, some officers of the CBI visited her to make inquiries and also collected her husband's photographs after the Supreme Court instituted an inquiry into the allegations of police abductions leading to secret cremations. She believed that the CBI's investigation would establish the truth. According to her, a CBI officer Karam Singh Rana visited her the last time on 06 July 1997.

It is indeed ironic that Balwinder's cremation figures in the CBI's unidentified list.

19 – 22: Under serial nos. 173/240, 174/241, 175/242 and 176/243, the list shows four 19 November 1991 cremations carried out by the ASI of Amritsar’s Sadar police station under FIR no. 635/91. The post-mortem reports are marked as ND/FM/85/91, ND/FM/86/91, AKC/FM/483/91 and AKC/FM/582/91. The cause of death is given as “police encounter”.

The committee’s incident report form no. CCDP/00221 reveals the following information about one of these cremations.

Twenty-year old Harnam Singh alias Nama, son of Gura Singh and Harbhajan Kaur, was a resident of village Sanghna, Patti Hindu Ki, under Sadar police station, in Amritsar district. A baptized Sikh and a member of the Sikh Students Federation, Harnam was unmarried. His father Gura Singh, the main informant in this case, used to be an active member of the Akali Dal and had participated in the agitation launched by the party in 1982 to demand greater political autonomy for Punjab.

Harnam had been arrested illegally three or four times for interrogation about his suspected militant links. But the police released him every time without pressing any charges. Clearly, they had no evidence to link him with any terrorist offence.

According to his father Gura Singh, a group of police officers he could not identify arrested his son Harnam on 02 November 1991 and went away with him to an unknown destination. His efforts to trace him to a police station in Amritsar city failed.

On 19 November 1991, a Punjabi daily newspaper *Ajit* carried a prominent report about Harnam’s killing in an encounter. The report, under the caption “Bhai Harnam Singh Sangha and 19 other militants killed”, said Harnam Singh and three of his companions belonging to Bhindranwale Tiger Force had been killed in an encounter near village Fatehpur in Amritsar district. The DIG spoke to the media claiming that the police had recovered letter pads of different militant organizations from the bodies of the slain militants and that the militants had engaged in kidnapping businessmen from the city for extortion.

The police cremated the bodies without informing the families. The CBI placed all the cremations, including that of Harnam Singh, prominently identified by the newspaper reports, in its list of unidentified cremations.

23 – 24: Under serial no. 208/300 and 209/301, the list mentions two 3 June 1992 cremations carried out by Chhearta police station. The list does not show the FIR no. The post-mortem reports are marked as ND-450/92 and ND-451/92. The cause of death is given as “police encounter”.

The committee’s incident report form no. CCDP/00222 reveals the following information about one of these cremations.

Forty-year old Surjit Singh alias Laat, son of Mohinder Singh, was a farmer from village Sanghna, Patti Hindu Ki, under Sadar police station in Amritsar district. Married to Kashmir Kaur, with five minor children, Surjit had been a member of the Akali Dal. According to Kashmir Kaur, the main informant in this case, her husband had no association with any militant groups.

Around 5 a.m. on 2 June 1992, a large police force, led by SHO Mahinder Singh Karikki of Chheharta police station, arrested Surjit from his house. The arrest was witnessed by the headman of the village council who the police officials had woken up

to help them identify Surjit's residence and also to lead them to the houses of Lakha Singh, son of Bhan Singh, and Surinder Singh Shinda, son of Bahal Singh, residents of the same village. The police also arrested both Lakha Singh and Surinder Singh.

The police released Lakha Singh the next day. His physical condition from torture was very bad and he did not speak to anyone for several weeks. The police released Surinder Singh from illegal custody after a few days. He informed Kashmir Kaur that her husband had been killed in a fake encounter, along with another illegally detained person, one day after his arrest.

Kashmir Kaur went to meet SSP Dhillon and implored him to tell her the truth about her husband's disappearance. The SSP scolded her for failing to stop her husband from sheltering militants and, when she started crying, promised to get her children admitted in a school. Indirectly, he admitted that she had been wronged and promised to help her raise her children. The SSP was soon after transferred out of the district.

25. Under serial no. 114/143, the list shows a 28 December 1990 cremation carried out by Amritsar's Sadar police station. The list does not mention an FIR and states that the post-mortem report is "not available". The cause of death is given as "gun shot".

The committee's incident report form no. CCDP/00227 reveals the following information about this cremation.

Twenty-year old Avtar Singh alias Tar, son of Sewa Singh and Joginder Kaur, was a resident of Sanghna village, Hindu Ki Patti, under Sadar police station in Amritsar district. Avtar was unmarried. His father Sewa Singh, the main informant in this case, was an active member of the Akali Dal and had participated in the agitation for Punjab's autonomy launched by the party in 1982. The police treated his family suspiciously and especially harassed his young son Avtar.

To avoid harassment at the hands of the police, Avtar went away to the foothills of western Uttar Pradesh where a relative had a large agricultural farm. He came to his village regularly to visit his parents. According to Sewa Singh, the Punjab police found out about his residence in Pilibhit Khiri district of Uttar Pradesh and abducted him from there in the middle of December 1990.

Several newspapers in Punjab published a report about Avtar Singh's killing in an alleged police encounter prominently in the last week of December 1990. Sewa Singh, a mentally disturbed person, does not remember the exact date.

26 – 27. Under serial no. 537/304 and 538/305, the list shows two 17 November 1992 cremations carried out by SHO Satwant Singh of Khilchian police station under FIR no. 178/92. The post-mortem reports are marked as GM/953/92 and GM/952/92 and the cause of death is mentioned as "police encounter".

The committee's incident report form no. CCDP/00233 reveals the following information about these cremations.

Twenty-one year old Gurdev Singh alias Laadi, son of Gurmeet Singh and Narinder Kaur, was a resident of village Kale Ke, under police station Khilchian in Amritsar district. After completing his matriculation, Gurdev opened a bicycle repair shop in

his village. His father Gurmeet Singh was an employee of Markfed, a federation of Marketing Cooperative Society to help farmers secure better agricultural prices for their produce. According to Narinder Kaur, the main informant in this case, Gurdev had no connection with the militant underground but the police had been arresting him illegally for interrogation. He was unmarried.

On 30 November 1991, Gurdev was abducted from his house by the Jandiala Guru police force and, after two weeks of torture under illegal custody, implicated in a case under the TADA. But the court released him on bail three months after his arrest because of insufficient evidence to justify the charges. Following his release, Gurdev closed down his bicycle repair shop and started working for the Punjab State Electricity Board at Butari.

Around 4 p.m. on 11 November 1992, Gurdev was returning to his village home after completing his day's work at Butari when on the way, at Raiyya bus stand he was abducted by a group of officers led by SHO Paramjit Singh of Beas police station. Several persons from Gurdev's village who were also traveling in the same bus witnessed his abduction.

The next day morning, Gurdev's father Gurmeet Singh, accompanied by several members of the village council, went to Beas police station where the SHO admitted the custody of his son and promised to release him after completing his investigations in some days. Gurmeet Singh, his family members and village elders continued to visit Beas police station for the next five days but could not talk to the SHO again.

On 18 November 1992, several Punjabi newspapers published a report about an encounter near village Bania in which the police had killed four alleged militants. The press reports identified all four by their names and the villages of their residence. Three of them were from village Kale Ke. They were [1] Gurdev Singh, son of Gurmeet Singh, [2] Jaswant Singh, son of Dalip Singh, [3] Sahib Singh, son of Piara Singh and [4] Manjit Singh, son of Santokh Singh from village Sudhar Rajputan.

The police carried out the cremations without the family's knowledge. SHO Paramjit Singh told Gurdev's father not to talk about his son's abduction and not to publicize the religious ceremony if he held it to commemorate his death.

The CBI's list of identified cremations, Under serial nos. 539/150 and 540/151, names the cremations of Sahib Singh and Jaswant Singh. The circumstances of their abduction and killing have been discussed in the chapter dealing with the cases mentioned in the CBI's first list.

According to Narinder Kaur, Gurdev's mother, CBs officials called on her several times to record her statements about her son's abduction and arbitrary execution. Her husband Gurmeet Singh also visited the CBI officers at their temporary office in Amritsar after the Supreme Court in November 1995 ordered an inquiry into the matter of secret cremations. Narinder Kaur remembers that one CBI Inspector P. C. Sharma had visited her to make the inquires.

Indeed, it is extraordinary that after all this effort, the CBI should place the cremations of Gurdev Singh and Manjit Singh in its list of unidentified cremations.



Gurdev Singh

28. Under serial no. 187/254, the list shows a 20 December 1991 cremation carried out by Amritsar's Sadar police station. The list does not mention the FIR number. The post-mortem report is said to be "not available". The cause of death is given to be "bullet injuries".

The committee's incident report form no. CCDP/00260 reveals the following information about this cremation.

Palwinder Singh alias Sona, son of Ajit Singh and Satnam Kaur, was an Amritdhari Sikh boy resident of village Khalehra, post office Gehri Mandi, under Jandiala Guru police station in Amritsar district. After completing his matriculation, Palwinder had begun to help his father, the main informant in this case, with the agricultural work. He was unmarried.

Palwinder had been illegally arrested three times and brutally tortured under interrogation. To avoid torture under illegal custody, he had begun to live away from his house.

On 20 December 1991, Palwinder was taken into custody at a police checkpoint that had been set up across the Amritsar's railway station. Palwinder was riding the pillion of a motorcycle No. PB02-C-4455 that belonged to Kulwinder Singh, son of Ajaib Singh, the Secretary of village councils in Punjab, who lived in Amritsar. It is not clear whether the two of them became acquainted or if Palwinder had merely taken a lift. The motorcycle was stopped for a routine check at the police barrier and both of them were taken into custody by SHO Ajaib Singh of Sadar police station. The arrest was witnessed by Manjit Singh, head of the village council of Raja Sansi, an influential man with many contacts in the police.

Palwinder was killed the same night in a supposed armed combat between the police and a group of militants. *The Punjabi Tribune*, in its report about the encounter that appeared on 21 December 1991, said that Palwinder was a top militant who held the designation of Lieutenant General within his underground outfit.

The police carried out the cremation, but the family members were allowed to watch the burning pyre from some distance. Considering the publicity Palwinder's reported encounter received in the press, it is extraordinary that the CBI should place his cremation in its unidentified list.

Kulwinder also disappeared. His father Ajaib Singh, after failing in all attempts to get justice, committed suicide on 7 July 1997 in the Golden Temple complex in Amritsar.

29. Under serial no. 410/633, the list shows a 23 March 1992 cremation carried out by the SHO of Verowal police station under the FIR number given as 23.3.92. The post-mortem report is marked as KK-35/92 and the cause of death is mentioned to be "firearm injuries".

The committee's incident report form no. CCDP/00261 reveals the following information about this cremation.

Twenty-one year old Gurmeet Singh, son of Lakhbir Singh and Manjit Kaur, was a Punjab police constable resident of village Jalalabad, under Verowal police station, in Tarn Taran sub-division of Amritsar. Constable Gurmeet Singh, with his belt number 1997, was posted at police post No. 6 in Jalandhar. He was unmarried. According

to Lakhbir Singh, the main informant in this case, his son had never been involved in political activities and diligently performed his duties as a policeman. There had never been any kind of complaint against him.

On 15 March 1992, Gurmeet was coming home to visit his sick mother. After getting down from a public transport bus, Gurmeet was walking towards his house when he was abducted by a joint group of Punjab police and a unit of the Indian army who were carrying out a search operation in the village. Several residents of the village witnessed the abduction, but his subsequent whereabouts could not be ascertained.

The family members found out that Gurmeet had been killed in a fake encounter by Verowal police in the night intervening the 22nd and 23rd of March 1992. When they reached Tarn Taran cremation ground on 23rd of March, the police officers had already left the scene after lighting the pyre. Lakhbir Singh and other members of his family were, however, able to recognize Gurmeet's clothes and his shoes lying close to the pyre.

The family members hold SHO Swaran Singh and his subordinate Teg Bahadur Singh of Verowal police station responsible for Gurmeet's abduction, arbitrary execution and secret cremation.

30. Under serial no. 108/137, the list shows a 22 November 1990 cremation carried out by Gharinda police station. The FIR and the post-mortem report numbers are not given. The cause of death is given to be "police encounter".

The committee's incident report form no. CCDP/00337 reveals the following information about this cremation.

Twenty-year old Gurmeet Singh alias Billa, son of Gian Singh and Sawinder Kaur, was a young farmer resident of Bopa Rai Kalan village under Lopoke police station in Ajnala sub-division of Amritsar district. According to Jaswinder Singh, the victim's brother and the main informant in this case, Gurmeet had given up school after completing his matriculation and had begun to work on the family farm. He was unmarried.

The Gharinda police had illegally arrested Gurmeet a number of times for interrogation on the basis of the suspicion that he maintained militant connections. But he had never been formally arrested or charged.

On 21 November 1990, Gurmeet was going on his motorcycle from Bhakna to Jathol village when a group of officers from Gharinda police station in a jeep started chasing him. Gurmeet became nervous and went off the main road to drive on a mud track. The police officials followed him in their jeep and started firing. A bullet pierced Gurmeet's leg. He dropped the motorcycle and tried to run away, but the police shot him dead.

The police officers carried away his body and cremated it at Durgiana Mandir cremation ground the following day. The newspapers reported that an unidentified militant had been killed in an encounter.

In the night of 12 June 1991, a group of armed men in civil clothes, raided the house of Gurmeet's father Gian Singh and took him into custody. The next morning, Gian Singh's body was recovered from the agricultural fields in the outskirts of the village. A newspaper report that relied on the police sources attributed the killing to members of the armed underground.

31. Under serial no. 134/174, the list shows a 22 April 1991 cremation carried out by SHO Surinder Singh of Chhearta police station under FIR no. 61/91. The post-mortem report is listed as “not available”. The cause of death is mentioned as “police encounter”.

The committee’s incident report form no. CCDP/00339 reveals the following information about this cremation.

Twenty-five year old Balkar Singh alias Bhola, son of Bachan Singh and Surjit Kaur, was a farmer resident of Kaler village under Raja Sansi police station in Ajnala sub-division of Amritsar district. Balkar was married to Jasbir Kaur and was the father of a minor son.

The local police suspected Balkar of sympathizing with the militant cause and of sheltering its adherents. They had illegally detained and severely tortured him a number of times. Fearing further atrocities, Balkar had begun to live away from his house. The decision exposed his family members to regular police atrocities. His parents and brothers were often picked up and tortured at the B. R. Model School Interrogation center in Amritsar. The police also confiscated all valuable belongings of the house.

On 21 April 1991, Balkar was arrested by a police force led by DSP Mahinder Singh and SHO Gurmeet Singh of Chheharta police station. He was killed the same night in an encounter staged near village Thande. His body was cremated at Durgiana Mandir cremation ground without the family’s knowledge. But the SHO Mahinder Singh later sent his ashes to the family members and also showed them the clothes that Balkar had been wearing at the time of his capture.

According to Baldev Singh, the victim’s brother and the main informant in this case, his cousin Surjit Singh, son of Mahinder Singh of Sanghna village, was also kidnapped from his house by SHO Mahinder Singh Karikki of Chheharta police station and killed in a separate incident of fake encounter.

32. Under serial no. 429/670, the list shows a 30 April 1992 cremation carried out by Ashok Kumar of Jhabbal police station under FIR no. 51/92. The post-mortem report is marked as GSD-23/92. The cause of death is mentioned to be “firearm injuries”.

The committee’s incident report form no. CCDP/00375 reveals the following information about this cremation.

Thirty-five year old Hansa Singh alias Chatara, son of Teja Singh and Bhan Kaur, was a poor *Mazhabi* Sikh living at village Khiala Khurd, under police station Lopoke, in Ajnala sub-division of Amritsar district. Hansa, originally from Blara village, had been sentenced to life imprisonment in a case of murder that happened out of a personal quarrel he had with some persons in Blara village. Hansa was granted parole after spending four years in jail. Hansa jumped his parole, shifted to Khiala Khurd along with his family to dodge his arrest and began to earn his livelihood as a farm worker.

In the last week of April 1992, Hansa went to his sister Kanto’s house in Gandiwind village under Jhabbal police station in Amritsar district to help her husband Jagira

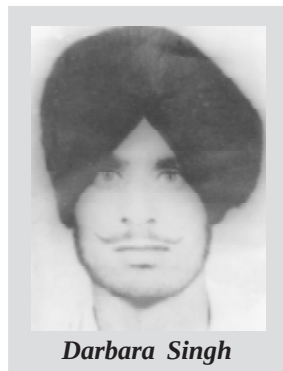


Hansa Singh

Singh harvest his wheat crop. On 29 April morning, a large police force from Jhabbal police station raided his sister's house to arrest Hansa. When he tried to run away, the police force followed him into the fields and shot him dead.

The police carried out the cremation in the presence of Jagira Singh and other members of his family.

33 – 38. Under serial nos. 54/48, 55/49, 56/50, 57/51, 58/52 and 59/53, the list identifies six cremations carried out by Lopeke police station on 19 April 1988. The list does not show the FIR and the post-mortem numbers and mentions the cause of death to be “police encounter”.



The committee's incident report form no. CCDP/00402 reveals the following information about these cremations.

Twenty-three year old Darbara Singh, son of Chainchal Singh and Rachhpal Kaur, was a resident of Ramdas Arian village, post office Ramdas, in Ajnala sub-division of Amritsar district. Darbara was an active member of the Sikh Students Federation in his school days and, after completing his matriculation, began to take interest in the militant movement. Darbara was unmarried and his brother Baldev Singh is the main informant in this case.

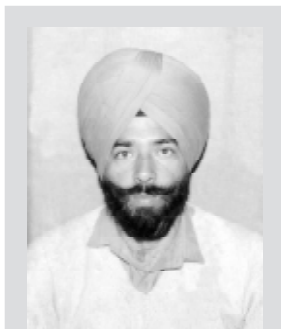
On 18 April 1988, Darbara Singh and five of his close associates were killed in what seemed like a genuine armed encounter against a joint group of Punjab police officers and the CRPF that happened at Wadde Boparai. On 19 April 1988, all the Punjabi newspapers prominently reported the incident identifying four of the six militants killed in the encounter by their names. Apart from Darbara Singh, the newspaper reports identified them as: [1] Nishan Singh Washoa, [2] Paramjit Singh Rajasthani and [3] Jagtar Singh Chhina. Darbara Singh's elder brother Amar Singh was taken to the cremation ground to identify his body.

It is indeed extraordinary that the CBI has placed all these cremations in its unidentified list.

Two days after the encounter, a large group of officers from Ramdas police station raided Darbara's house and illegally arrested his father Chainchal Singh, and his brothers Baldev Singh and Mahinder Singh. Chainchal was detained and interrogated under terrible torture at Ramdas police station. His legs were fractured during the torture and Chainchal Singh still walks with a limp. Baldev Singh and Mahinder Singh were taken to Dera Baba Nanak police station and interrogated under torture. The police also destroyed their standing crops and carried away the stock of wheat worth Rs. 5000.

39. Under serial no. 230/345, the list shows a 11 October 1992 cremation carried out by the SHO of Amritsar's Sadar police station under FIR no. 351/92. The post-mortem report is marked as SPG/FM-401/92 and the cause of death is mentioned to be “police encounter”.

The committee's incident report form no. CCDP/00422 reveals the following in-



Gurbhej Singh

formation about the cremation.

Thirty-four year old Gurbhej Singh alias Bagga, son of Mukhtar Singh and Jeet Kaur, was a baptized Sikh farmer from Gagrewal village under Khadur Sahib police station in Tarn Taran sub-division of Amritsar district. Married to Satwinder Kaur, Gurbhej was the father of three minor sons. His father-in-law Santokh Singh, a retired official of the Indian railways, used to live just outside Amritsar city on the road to Tarn Taran. According to Satwinder Kaur, the main informant in this case, her husband was not involved in any political or militant activity. The police routinely detained him illegally for interrogation, but they never formally arrested him.

Around 10 a.m. on 9 October 1992, Gurbhej accompanied his mother Jeet Kaur to a relative's house at village Dhahra under Jandiala Guru police station to attend a religious function. Returning to his house in the afternoon, Gurbhej, along with his eldest son Gursher, who was then 9-years old, went to call on his father-in-law at his house in Maqboolpura locality in the outskirts of Amritsar city. His father-in-law Santokh Singh had not been feeling very well and Gurbhej wanted to go with him to a doctor the next day.

Around 2 p.m. on 10 October 1992, Gurbhej Singh, his father-in-law Santokh Singh and Gurbhej's son Gursher, were going to an Ayurvedic clinic in Maqboolpura when three armed men in civil clothes got out of a Maruti van and tried to force Gurbhej into their van. They ordered Gurbhej to raise his hands and tried to tie his hands to his back. As the abductors were in civil clothes and had not identified themselves, Gurbhej got confused and asked them who they were and why they were trying to kidnap him. Santokh Singh too asked them these questions. As Gurbhej resisted the attempt to kidnap him, one of the persons in civil clothes who carried a gun shot Gurbhej Singh who collapsed dead on the spot. All three persons immediately got into the van and went away.

Santokh Singh and Gursher Singh went back to the house to inform other family members about what had happened. When they returned to the spot some fifteen minutes later, they discovered that Gurbhej's body had been taken away by some men from Amritsar's Sadar police station.

On 11 October 1992, the Sadar police station carried out the cremation in the presence of Gurbhej's mother and his widow. But no member of the family was allowed to get close to the body.

According to Satwinder Kaur, the police officials were certainly aware of his identity because they had come to her house to take her and her mother-in-law to attend the cremation. She pointed out that some time after the incident, a group of policemen from Beas police station came to Gagrewal village and arrested Gurbhej's uncle Gurpal Singh and killed him in a fake encounter.

40 – 41. Under serial nos. 559/922 and 560/923, the list shows two cremations carried out by Sita Ram of Patti police station on 01 December 1992 under FIR no. 72/92. The post-mortem numbers are marked as 1.12.92 and the cause of death is given to be "police encounter".

The committee's incident report form no. CCDP/00537 and 00538 reveal the following information about these cremations.

Twenty-five year old Amarjit Singh alias Kala, son of Harbans Singh and Prakash Kaur, was an employee of the Punjab State Electricity Board and resident of Kairon village, Patti Bhanu Ki, under Patti police station in Amritsar district. A baptized Sikh and the only son of his parents, Amarjit was suspected of sympathizing with the militant movement and the Patti police had been intermittently detaining him for interrogation under torture since 1984. However, he had never been formally arrested. According to Prakash Kaur, the main informant in this case, her husband Harbans Singh became very depressed after the June 1984 assault on the Golden Temple carried out by the Indian army. He was unable to cope with the harassment when the police started raiding his house and illegally arresting and torturing his son. Harbans Singh, who was also an employee of the Punjab State Electricity Board, died from a heart attack towards the end of 1984.

Thirty-five year old Baldev Singh alias Billo, son of Jagir Singh and Charan Kaur, was Amarjit's cousin and lived in the same village of Kairon in Patti Bhan Ki. After completing his High Secondary School, Baldev had begun to work on his family farm. Married to Narinder Kaur, Baldev was the father of a daughter Sukhpreet Kaur. According to Baldev's widow Narinder Kaur, he was not involved in the militant activities although the police regularly harassed him. His brother Gurbakhsh Singh had been abducted and disappeared by the police and his younger brother Sukhwinder Singh had been murdered by a police informer in the village.

On 24 November 1992, Amarjit, Baldev and his wife Narinder Kaur went to Patria Wala village in Fazilka sub-division of Ferozepur district where Narinder Kaur's parents lived. All of them stayed at the house of Kuldeep Kaur, Narinder Kaur's sister, and her husband Jeet Singh.

Early next morning, around 5 a.m., a large police team from Patti police station raided Kuldeep Kaur's house and arrested both Amarjit and Baldev. The team was led by Naurang Singh, in-charge of Kairon police post, and had come along with Kulwant Singh, son of Mewa Singh of Kairon village who knew about their plan to visit Fazilka. Naurang Singh had arrested Kulwant Singh and had forced him to come along with his group of officers to Patria Wala village to arrest the two. Kuldeep Kaur's family members and several other residents of the village witnessed the arrest.

Officer Naurang Singh first wanted to take Narinder Kaur also along, but let her off after a policeman in his group pointed out that she had small children to look after. Kuldeep Kaur and her husband tried to find out why they had arrested Amarjit and Baldev, but there was no answer. The police left with Amarjit and Baldev Singh in their custody. Narinder Kaur and her brother-in-law Jeet Singh went back to Kairon in a taxi and informed all the family about the arrests.

The same day in the afternoon, around 2 p.m. a large group of village elders led by the head of the village council met the in-charge of Kairon police post, who promised to release both Amarjit and Baldev after their interrogation. The family members and their sympathizers continued to meet Naurang Singh and DSP Kashmir Singh to beseech them to release both of them. Six days after the arrest, Naurang Singh demanded Rs. 200,000 for their release. It was a big amount of money and both the families were able to raise only Rs. 135,000 within the next four days. In the evening of 30 November 1992, both families met Naurang Singh at the police post and paid him

Rs. 135,000. The officer promised to release Amarjit and Baldev the following morning and asked them to come to the police post at 9 in the morning. He also allowed a private doctor, paid by the family members, to give a medical check up to Baldev and Amarjit. They were physically debilitated from severe torture under custody.

Early in the morning of 1 December 1992, even as the family members were getting ready to go to the police post, a member of the village council found out that Patti police officials were making preparations to burn the bodies of Amarjit and Baldev at Patti cremation ground. The village elders and the family members were crestfallen and rushed to the civil hospital at Patti where the bodies had been brought for their post-mortem. Naurang Singh and his group of officers had cordoned off the hospital and began to abuse the family members when they appeared there. He ordered the policemen on duty to beat up all the women until they were no longer able to walk. All of them got scared and went away. They did not even go to the cremation ground that day.

On 2 December 1992, the family members went to Patti cremation ground to discover that the police had formed the pyres with insufficient wood and the bodies of both Baldev and Amarjit were not burnt completely. They ordered additional wood and completed the cremation. On 2 December 1992, two newspapers, *Ajit* and *Punjab Kesari*, published a report claiming that the police had killed two militants in an encounter in Patti. The report identified Amarjit Singh as a member of the Khalistan Commando Force and declared Baldev Singh to be unidentified.

According to Prakash Kaur and Narinder Kaur, they also submitted an application to the CBI officials who had set up a temporary office in Amritsar to investigate the matter of illegal cremations after the Supreme Court instructed them to do so in November 1995.

It is extraordinary that the CBI placed these cremations in its unidentified list.

42. Under serial no. 553/900, the list shows a 27 November 1992 cremation carried out by SHO J. Sidhoo of Jhabbal police station under FIR no. 113/92. The post-mortem report is marked as OPG-43/92 and the cause of death is mentioned as "firearm injuries".

The committee's incident report form no. CCDP/00547 reveals the following information about the cremation.

Twenty-year old Baljit Singh alias Toti, son of Ram Singh and Tasvir Kaur, was a college graduate from village Bhujrawala, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. He was unmarried and helped his father Ram Singh, the main informant in this case, with the agricultural work.

In 1990, Tarn Taran police had illegally arrested Baljit and interrogated him under torture. They released him following intervention by members of his village council who testified to his lack of involvement with the militant movement.

In the evening of 27 November 1992, around 4.30 p.m. Baljit was abducted from the bus stand at Jhabbal by a group of officers led by SHO Jagdeep Singh Sidhoo of Jhabbal police station, and also including Sub-inspector Bikramjit Singh, Constable Talwinder Singh and others. Several residents of the village who knew Baljit very well witnessed his abduction.

Immediately, Baljit's father Ram Singh, accompanied by several village elders,

rushed to Jhabbal police station where DSP Ashok Kumar promised to release Baljit after his interrogation the following morning. Baljit was killed in an encounter fake just outside the village some hours later.

On 28 November 1992, two newspapers *Jagbani* and *Ajit* reported Baljit's killing in the alleged encounter. The cremation was carried out without the family's knowledge.

Ram Singh submitted representation about the abduction and the arbitrary execution of his son to the Chief Justice of Punjab and Haryana High Court, the Chief Minister and the DGP of Punjab. He also submitted a petition to the CBI officials who were investigating the matter of illegal cremations in Punjab.

43 – 44. Under serial nos. 229/371 and 230/372, the list shows two cremations carried out by Dalbir Singh of Jhabbal police station on 4 April 1991 under the FIR no. 47/91 and 48/91. The post-mortem reports are marked MSJ 23/91 and 4.4.91. The cause of death is given as “police encounter”.

The committee's incident report form no. CCDP/00668 reveals the following information about one of these cremations.

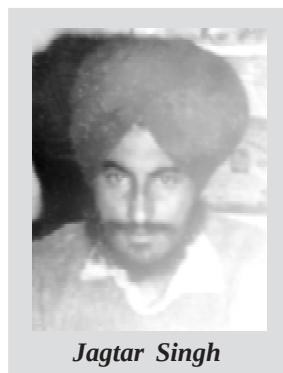
Twenty-five year old Jagtar Singh alias Tota, son of Maghar Singh and Balbir Kaur, was a soldier of the Indian army from village Kubarku, post office Shahbazpur, under Sarhalli police station, in Tarn Taran sub-division of Amritsar district. According to Balbir Kaur, the main informant in this case, Jagtar's older brother is also a soldier of the Indian army. Jagtar was married to Gurmeet Kaur and had a young daughter.

In the beginning of 1990, Jagtar came home on a vacation but did not report back to his regiment. His family members tried unsuccessfully to persuade him to return to his regiment. Apparently, Jagtar had been having some problems with his superiors which he, however, did not discuss with his family.

On 4 April 1991, Jagtar went to village Nikki Manochahal to buy some opium to which his father was addicted to. In Nikki Manochahal, Jagtar went to the house of a person who sold the contraband. While he was paying the person, a team from Jhabbal police station, led by sub-inspector Dalbir Singh, raided the house. Jagtar, fearing his arrest, tried to run away. The police officers chased him into the fields and shot him dead. Many residents of the village who knew Jagtar and his family witnessed his execution and went to inform his family immediately.

Jagtar's parents approached Surinder Singh Kairon, an influential Congress Party leader and a former Minister, to request him to persuade the police officials to return the body to the family. Surinder Singh called the SHO of Jhabbal police station and then asked Jagtar's father Maghar Singh to go to the police station to claim the body. However, when Maghar Singh, accompanied by his family members and other village elders, reached the police station he was told that the body had already been cremated.

Two months after the incident, a group of armed policemen in plainclothes came to Maghar Singh's house and shot down his daughter Beant Kaur. Maghar Singh himself died approximately one year after the killing of his son.





Major Singh

45. Under serial no. 39/38, the list identifies a 08 October 1987 cremation carried out by Lopoke police station. The list does not show the FIR number. The post-mortem report is marked as AKL/FM/120/87 and the cause of death is given to be “police encounter”.

The committee’s incident report form no. CCDP/00740 reveals the following information about the cremation.

Major Singh, son of Darshan Singh and Kashmir Kaur, was a popular folk music singer resident of Sahoora village, Gandhe Dasiye Di Patti, under Lopoke police station in Ajnala sub-division of Amritsar district. He

was 21-years old and unmarried.

The June 1984 Indian army assault on the Golden Temple made a deep impact on Major Singh’s attitudes on life. He became an Amritdhari Sikh and began to compose religious and political songs of protest that expressed sentiments of the people’s suffering under Indian repression. These songs extolled the spirit of struggle and martyrdom for freedom. Soon, Major Singh was much in demand to perform at religious and political functions and he formed his own group of singers and composers, known in Punjab as “*Kavishri Jatha*”. The songs about State atrocities that the group composed and sang were especially popular and Major Singh soon became a marked man. The police and the CRPF officials repeatedly raided his house to arrest him. But Major Singh was mostly on the move, traveling to different places in Punjab together with his band.

On 14 September 1987, Major Singh and his group was going to perform in an annual popular fair at village Sahoora commemorating the bravery of sacrifice of a Sikh soldier Karaj Singh during India’s 1965 war against Pakistan. Around 5 p.m. as Major Singh was going towards the fair, he was abducted by a large group of officers from Lopoke police station led by SHO Charanjit Singh, assistant-sub-inspectors Tarsem Kumar Sharma and Sham Singh. The police officials lifted him into a vehicle and went away to an unknown destination. The abduction was witnessed by a large number of village residents.

Early in the morning of 15 September 1987, Major Singh’s family members, accompanied by the village elders, went to Lopoke police station where they were told that Major Singh was not detained there. The Commander of the CRPF unit at its center in Ajnala abused Major Singh’s father and his companions when they went there to make inquiries and refused to give any information. The policemen outside the Mall Mandi Interrogation center threatened to arrest all of them if they did not go away immediately. For the next three weeks, the family members and their sympathizers tried hard to locate Major Singh but failed to find out anything about his whereabouts.

Approximately three weeks after Major Singh’s arrest, his father, together with two members of the village council, managed to meet SHO Charanjit Singh of Lopoke police station who acknowledged that Major Singh was in his custody and could be released on the payment of Rs. 800,000. Darshan Singh and his companions tried to explain to the SHO that they were a poor family and could not raise so much

money. The SHO became very angry and asked them to leave and not to return without the money.

On 9 October 1987, a Punjabi daily newspaper *Jagbani* published a report claiming that a militant Major Singh had been killed in an encounter with the CRPF at village Sahoora. SSP Izhar Alam briefed the press about the encounter claiming that Major Singh was an important leader of the militant underground and was wanted in connection with five cases of murder.

The police carried out the cremation without informing the family. Two months after the killing of Major Singh, SHO Charanjit Singh arrested his father Darshan Singh. The police brutally tortured him in illegally custody at Lopoke police station. The SHO threatened to kill him unless he stopped talking about his son's abduction and his arbitrary execution. Darshan Singh was released after he gave a written undertaking not to speak against the Punjab police.

46 – 49. Under serial nos. 573/945, 574/946, 575/949 and 576/950, the list shows four cremations carried out by SHO Teg Bahadur Singh of Bikhiwind police station on 26 December 1992 under FIR no. 81/92. The post-mortem reports are marked to be KS-117/92, KS-118/92, KS-119/92 and KS-120/92. The cause of death is listed as “firearm injuries”.

The committee's incident report form no. CCDP/00751 reveals the following information about one of these cremations.

Thirty-five year old Sardool Singh, son of Pooran Singh and Kesar Kaur, was a constable of the Punjab Armed Police and resident of Rahal Chahal village, post office Sangatpur, Rahal Patti, under Sirhali police station, in Khadur Sahib sub-division of Amritsar district. Sardool was married to Manjit Kaur and was the father of three daughters.

In 1987, Sardool was posted at the Headquarters of the Punjab Armed Police in Jalandhar when he was arrested on the charge of taking part in the conspiracy to assassinate Ribiero, then DGP, Punjab. Sardool remained in Sangrur jail for three years until the court released him on bail.

Sardool opened a dairy farm and also became the Secretary of Verka Co-Operative Society. He used to attend his court hearings at Jalandhar regularly and the police never came to harass him at home.

In the first week of December 1992, a group of officers from Tarn Taran police station raided Sardool's house while he was out collecting his payments. The officers informed his family members that SSP Ajit Singh Sandhu wanted him to report to his office. The officers had not left any written instructions for Sardool and he chose to ignore the message. Two weeks later, the same group of officers raided his house and, not finding Sardool, they took his wife Manjit Kaur into their custody. Manjit Kaur was kept at Tarn Taran police station for twelve days and then at Goindwal police station for six days. Then she was forced to stay at SSP Ajit Singh Sandhu's house for a night.

Sardool Singh negotiated his wife's release from illegal custody through Amrik Kaur of Amarkot village, a known police informer who worked closely with Ajit Singh Phoola, a Sikh sectarian leader who helped the Punjab police. Manjit Kaur was asked to go to Ajit Singh Phoola and stay at his headquarters. Sardool Singh had to

accept this to get his wife released from illegal custody.

After spending a night at Ajit Singh Sandhu's house, Manjit Kaur was brought to Ajit Singh Phoola's headquarters where she had to stay for two days. She then returned to her village. That night, Sardool managed to talk to her and requested her to raise some money to pay Ajit Singh Phoola for his release. Manjit Kaur managed to raise Rs. 14,000 within the next week. Sardool's brother came with the money to Phoola's residence and paid that amount to Amrik Kaur who had organized the deal to get Sardool's wife released. Amrik Kaur told Harbans Singh that his brother would get released the next day.

Early next morning, when Harbans Singh returned to Phoola's headquarters, he was told that Sardool had run away. Two days later, Harbans Singh received a message that his brother was being held at Khalra police station. Harbans Singh, along with his brother-in-law Mangal Singh, met SSP Ajit Singh Sandhu at his office in Tarn Taran and requested him to get Sardool Singh released. The SSP was abusive and asked Harbans to first get Gurbachan Singh Manochahal, a well-known leader of the militant underground, arrested. Harbans Singh pleaded abjectly and pointed out that Sardool had no connection with the militant underground. The SSP asked them to see him again after some days.

After the meeting with the SSP, Sardool's wife Manjit Kaur, together with her brother Mangal Singh, went to Khalra police station. SHO Suba Singh was not present and his subordinate, who sympathized with Sardool's situation, allowed them to meet. Sardool had been tortured badly. He was constantly trembling and unable to even stand on his legs. Sardool Singh asked his wife to do everything possible to get him out as soon as possible because he felt that his interrogators planned to kill him.

Early in the morning of 26 December 1992, Harbans Singh and Mangal Singh met SSP Ajit Singh again. The SSP asked them to go to Khalra police station to find out whether Sardool was still. Both of them immediately left for Khalra. On the way, they read a report in a Punjabi newspaper *Jagbani* claiming that four unidentified militants had been killed in an encounter with Bhikhiwind police near Udhoke village the previous night. A photograph, published along with the report, showed Sardool as one of the unidentified militants killed in the encounter.

The police did not inform the family members of the cremation.

50 – 51. Under serial nos. 431/672 and 432/673, the list shows two cremations carried out by the SHO of Goindwal police station on 04 May 1992 under FIR no. 39/92. The post-mortem reports are marked as AK-16/92 and AK-17/92. The cause of death is given to be “firearm injuries”.

The committee's incident report form no. CCDP/00754 reveals the following information about one of these cremations.

Sukhwant Singh alias Sukha, son of Kashmir Singh and Jasvir Kaur, was a 21-year-old truck driver from Lohar village, Jauhal Dhahe Wala, Dana Mana Patti, under Sarhalli police station in Khadur Sahib sub-division of Amritsar district. After completing his matriculation, Sukhwant had trained himself to be an electrician but failed to find a suitable job. His father, the main informant in this case, owned a truck and he advised Sukhwant to learn driving a truck and help him in his transport business. Sukhwant, like his father, was an Amritdhari Sikh but did not have any political or

militant associations. He had never been arrested or interrogated before this incident.

Around 5 a.m. on 28 April 1992, Sukhwant accompanied his father to the market in Goindwal to find a transport assignment. First, they went to the Golden Temple in Amritsar and, after doing their prayers, they went to Goindwal where they had a conversation with the clerk of the truck drivers' Union who told them that they were not likely to get an assignment for the next two days. After finding this out, Sukhwant and his father started driving back to their village. On the way, close to a railway crossing in Goindwal, the police had set up a check-post where they were stopped for a routine check.



SHO Goindwal Surinderpal Singh was personally conducting the checking. The SHO became suspicious when he looked at Sukhwant who was wearing a saffron colored turban and also had his ceremonial dagger hanging across his shoulder. The SHO asked Kashmir Singh about his son's occupation. Kashmir Singh introduced his son to the police officer and told him that his son was learning to be a truck driver. The SHO asked Sukhwant to get down from the truck, forced him into a police vehicle and took him away for his interrogation. Kashmir Singh implored the officer not to arrest his son, but he refused to let him go. Kashmir Singh noticed that the police jeep was going in the direction of Fatehabad.

Kashmir Singh went back to his village and narrated the incident to the village elders. Some hours later, Kashmir Singh, together with fifteen other elders and members of the village council, went to Goindwal police station and met SHO Surinderpal Singh who brazenly denied having arrested his son at the check-post. Kashmir Singh became very agitated and started crying. He accused the SHO of lying and pleaded with him to show him his son. SHO Surinderpal ordered Kashmir Singh and his companions to leave the police station.

On April 29, Kashmir Singh and his wife Jasvir Kaur went to SSP Ajit Singh Sandhu's office at Tarn Taran. They had to wait outside his office for nearly six hours before they were let in around 5 p.m. Kashmir Singh narrated the sequence of events beginning with Sukhwant's arrest early in the morning of 28th of April at Goindwal. The SSP listened to them and then started abusing them. He said that Sukhwant was a militant and that he deserved to die. When Kashmir Singh fell at the SSP's feet, begging him not to kill his son, the SSP kicked him hard and ordered his body-guards to throw them out of his office. When Kashmir Singh and Jasvir Kaur came out of the SSP's office and were crying, a policeman in plainclothes asked them to go to the CIA staff interrogation center and find out if their son was being detained there. They went to the CIA staff center and talked to a head constable on duty outside to let them meet their son. The head constable seemed to be a kind person, but he asked them to wait at a tea stall because some senior officials were about to come for an inspection. After some time, a fleet of cars came to the Interrogation center and SSP Ajit Singh Sandhu himself got down from a car and went inside. Kashmir Singh and Jasvir Kaur went back to the head constable when the SSP, after spending three hours inside, left. Kashmir Singh gave Rs. 500/- to the head constable who took them to the lock up where Sukhwant was lying on the floor. Sukhwant was unable to stand

up and started crying. Kashmir Singh told him to keep strong and promised to do everything possible to get him out. The head constable did not want them to stay inside for long and asked them not to disclose the meeting he had allowed to anyone.

Kashmir Singh was unable to do anything to get his son released from the illegal custody. On 4 May 1992, a newspaper published a report about the killing of his son Sukhwant Singh together with another unidentified militant in an encounter with Tarn Taran police.

The cremation was carried out without the family's knowledge.

52. Under serial no. 36/39, the list identifies a 11 August 1987 cremation carried out by Gharinda police. The list does not show the FIR number. The post-mortem report is said to be “not available”. The cause of death is given to be “police encounter”.

The committee's incident report form no. CCDP/00755 reveals the following information about this cremation.

Twenty-four year old Ajmer Singh, son of Gurmukh Singh and Hardeep Kaur, was a resident of Bhuchar Khurd village, post office Bhuchar Kalan, under Jhabbal police station in Amritsar district. Ajmer's family of Amritdhari Sikhs had a long history of association with the Dam Dami Taksal, the religious seminary once headed by Jarnail Singh Bhindranwale. After completing his matriculation, Ajmer gave up his formal education and joined the seminary to study the Sikh religious literature with the intention of becoming a missionary. According to his mother Hardeep Kaur, the main informant in this case, Ajmer had no connection with any political or militant group and had never been arrested or interrogated before this incident.

On 08 August 1987, Ajmer, along with another student of Dam Dami Taksal, went to the Golden Temple at Amritsar. They made their prayers and were going on a rickshaw to catch a return bus to Chowk Mehta when a group of armed policemen fired on the two boys. It is possible that the policemen became suspicious when they saw two baptized young Sikhs in their traditional dress and mistook them to be militants. Ajmer's companion in the rickshaw was hit by a bullet and he fell down dead. Ajmer panicked and tried to run away, but was nabbed near Ram Bagh. The police took him away for interrogation. A boy from Malhian village who knew Ajmer and was his companion at the Dam Dami Taksal witnessed the entire episode.

On 11 August 1987, several Punjabi newspapers reported an encounter between a group of militants and officers of Gharinda police station in Amritsar that supposedly occurred very close to the police station. The report said that Ajmer Singh and two others were killed while some others militants managed to escape. The report published the names of all three persons.

The police carried out the cremation without informing the families. Surprisingly, the CBI's list of unidentified cremations shows only one cremation carried out by Gharinda police on 11 August 1987. It was a common practice during period for the police to burn more than one body on a single pyre.

53 – 54. Under serial nos. 110/86 and 112/87, the list shows two cremations carried out by Majitha police station on 28 August 1989. The list does not show the FIR number or the post-mortem reports numbers. The cause of death is given as “police encounter”.

The committee's incident report form no. CCDP/00775 reveals the following information about these cremations.

Eighteen-year old Lal Singh alias Laadi, son of Apar Singh and Pooran Kaur, was a resident of Kotla Gujjaran village, under Majitha police station in Amritsar district. He was unmarried and lived with his parents. According to Apar Singh, the main informant in this case, his son had no involvement with the militant movement and had never been arrested or questioned in connection with any criminal offence.

On 27 August 1989, a group of officers from Majitha police station, led by DSP Paramjit Singh Gill and SHO Surinder Singh Sood, raided Apar Singh's house and arrested his son Lal Singh. The arrest was witnessed by a large number of village residents because another young Sikh of the village, Balraj Singh alias Tota, son of Sukhdev Singh, had already been taken into custody. Apar Singh tried to find out why his son was being arrested and told the police that he had no connection with anything unlawful. Nevertheless, the police took their prisoners away.

They killed both Lal Singh and Balraj Singh in an encounter faked the same night and carried out their cremations without informing the families.

55 – 57. Under serial nos. 617/1059, 618/1060, 619/1061, the list shows three cremations carried out by SHO Govinder Singh of Patti police station on 18 August 1993 under FIR no. 57/93. The post-mortem reports are all marked as 18.8.93 and the cause of death is given to be “police encounter”.

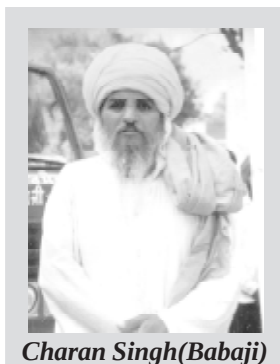
The committee's incident report form no. CCDP/00813 reveals the following information about these cremations.

Fifty-four year old Charan Singh, popularly known as Babaji, son of Banta Singh and Gurnam Kaur, was a known Sikh religious leader resident of village Pandori Rumana, post office Takhat Mal, Jhabbal police station, in Tarn Taran sub-division of Amritsar district. He was married to Surjit Kaur and had five adult children. Charan Singh devoted his time to organizing voluntary labor and donations for the repair and maintenance of the historical Sikh shrines in Punjab.

The police had detained and interrogated Charan Singh on two or three occasions in the past. But they had not brought any formal charges against him.

In the beginning of 1993, Charan Singh received information from some of his influential friends that SSP Ajit Singh Sandhu was determined to eliminate him. Charan Singh knew Sandhu was a ruthless man. He also knew about his weakness for money. Charan Singh got in touch with Mahant Sewa Dass, an influential Sikh leader in Delhi who was known to be very close to the police establishment in Punjab. Sewa Das demanded Rs. 850,000/- to save his life and Charan Singh paid him the money.

On 23 April 1993, Sewa Das deputed his representative Surinder Singh of village Sarai Naga in Faridkot district to accompany Charan Singh to SSP Sandhu's office in his car. They were on the way when a group of officers from Tarn Taran in a jeep, led



Charan Singh(Babaji)

by Inspector Suba Singh, intercepted Charan Singh's car near village Deenpur and took him to an unknown destination.

The police officials knew that Charan Singh's organization was very rich. They kept him in illegal custody for nearly three months and forced him to part with a large amount of money belonging to his organization. In early July 1993, DSP Narang Singh went with Charan Singh to the Sahni branch of the Bank of Baroda where he kept the money belonging to his organization. Charan Singh was forced to withdraw a large amount of money, which was then distributed to senior police officers of the district.

Towards the end of July 1993, Charan Singh's wife Surjit Kaur was allowed to meet her husband briefly at the police post in village Kairon.

In the night intervening the 17 and 18 August 1989, Charan Singh was killed, along with two others, in an encounter fake at village Kairon. Six other close relatives of Charan Singh have also been abducted and disappeared by the Punjab police at different occasions in the period of unrest in the state. A judicial inquiry ordered by the High Court of Punjab and Haryana, in a habeas corpus petition filed by the family, established these facts but failed to identify the responsible officials.

58. Under serial no. 609/339, the list identifies a 23 May 1993 cremation carried out by Jhander police station. The FIR number is not given. The post-mortem report is marked as AST/FM/8/93. The cause of death is given to be "police encounter".

The committee's incident report form no. CCDP/00821 reveals the following information about the cremation.

Parjinder Singh alias Bittu, son of Parminder Singh and Gurcharan Kaur, was a 28-year old farmer resident of Sehnsra Kalan village, under Jhander police station, in Ajnala sub-division of Amritsar district. He was married to Surinder Kaur and had two young children. According to his widow Surinder Kaur, the main informant in this case, Parjinder was not associated with any political or militant group. However, because his house was located a little outside the village next to his farm land, militants used to come to the house and ask for shelter and food. Parjinder was not in a position to refuse them. The local police arrested Parjinder a number of times and tortured him in illegal custody to interrogate him about the persons visiting him. The officials demanded money and threatened to implicate him in terrorist crimes if he refused. Because Parjinder did not have large amounts of money to pay, the police incriminated him in a case under TADA and sent him to jail.

After spending nearly one and a half years in jail, Parjinder received a bail order and came out of jail on 13 January 1990. But the police officials continued to harass him, detaining him and his wife and torturing them even when they had no information to offer. The whole exercise seemed to be geared to extort bribes, which they were not in a position to pay. Parjinder was finally fed up and decided to leave Punjab. He together with his wife and their young children moved to Tamil Nadu State in the extreme South of India. There in a city called Salem, Parjinder found work in a hotel and the family spent the next one and a half years in peace.

On 10 May 1993, a Punjab police team, led by ASI Partap Singh of Jhander police station, raided the hotel in Salem where Partap Singh worked and took him into custody. ASI Pratap Singh told his wife Surinder Kaur that unless she paid him Rs. 100,000, her husband would not live. He asked her to return to Punjab immediately,

by air, and to arrange for the money before the police officials returned to Punjab in a train. On 11 May 1993, ASI Partap Singh and his team of police officials, along with prisoner Parjinder Singh, boarded a train to Ambala. Surinder Kaur and her children returned to Delhi on an Indian Airlines flight and then took a train to Amritsar.

Immediately after returning to Amritsar, Surinder Kaur met SHO Wassan Singh of Jhander police station who repeated the demand made by ASI Partap Singh to either pay Rs. 100,000 or risk her husband's death. Surinder Kaur immediately mortgaged her husband's agricultural land and collected Rs. 100,000/-, which she paid to SHO Wassan Singh. The payment was made on 19 May 1993. Surinder Kaur was allowed to meet with her husband in the police lock up. SHO Wassan Singh said that Parjinder Singh would be released after they had completed some legal formalities on 24 May 1993 morning.

Parjinder was killed in an encounter fake by Jhander police in the night between 22nd and 23rd of May 1993. Several newspapers prominently reported the encounter and identified Parjinder Singh by his name and the village of his residence. SHO Wassan Singh told Surinder Kaur that he would wipe out her entire family if she talked to anyone about having paid him the money.

The police carried out the cremation without informing the family members. The CBI too placed the cremation in its unidentified list even though the newspapers had published his name and his village.

Surinder Kaur has not been able to redeem the mortgage. She supports her children by doing some embroidery work at home.

59 – 61. Under serial nos. 119/150, 120/151 and 122/153, the list shows three cremations carried out by ASI Kashmir Singh of 'D' Division police station in Amritsar on 15 February 1991 under FIR no. 43/91. The post-mortem reports are marked to be "not available" and the cause of death is given as "police encounter".

The committee's incident report form no. CCDP/00822 and 00830 reveal the following information about these cremations.

Twenty-two year old Kanwaljit Singh alias Lada, son of Joginder Singh and Nirmal Kaur, was an assistant in a Medical Laboratory and resident of House No. 7, Ramsar road, under 'B' Division police station, in Amritsar city. He was unmarried and lived with his parents. His grandfather Amar Singh is the main informant in this case.

Mohinderpal Singh alias Bobby was a close friend of Kanwaljit. Twenty-one year old Mohinderpal, son of Manjit Singh and Balbir Kaur, was a tailor by profession and lived at House Number 1334/III-21, Gali Jeevan Mal, Chowk Baba Bhauri Wala, under 'B' Division police station in Amritsar city. Mohinderpal also was unmarried.

On 14 February 1992, around 1 p.m. Kanwaljit and Mohinderpal were going on a rickshaw to play badminton when they were abducted by a group of officers from 'B' Division police station, led by its SHO. Some hours later, the police officers, along with Kanwaljit and Mohinderpal, went to Kanwaljit's parents' house and searched it thoroughly for possible weapons. In the course of the search, the SHO manhandled Kanwaljit's mother. The search did not yield anything incriminating, but both Kanwaljit and Mohinderpal were taken away for further interrogation. Many residents of the area witnessed the search operations. They also saw both boys in police custody.

They had already been tortured severely and were bleeding.

On 15 February 1992, two newspapers *Ajit* and *Jagbani* carried a report about a supposedly major encounter when eight militants engaged the Punjab police in an exchange of fire. The report said that three militants were killed, but five escaped. Another report published in the same newspapers the next day identified both Kanwaljit Singh and Mohinderpal Singh by their names as two of the militants who the police had killed.

The police did not inform the families about the cremations. However, a police constable from 'B' Division police station helped them collect the ashes from Durgiana Mandir cremation ground. In these two cases, the municipal corporation of Amritsar even issued death certificates of Kanwaljit and Mohinderpal to their parents. But the CBI has placed their cremations in its unidentified list.

62 - 63. Under serial nos. 554/ 904 and 555/905, the list shows two 07 November 1992 cremations carried out by Sub-inspector Sita Ram of Patti police station under FIR no. 67/92. One post-mortem report is marked as KS-96/92 and the cause of death is given to be "police encounter".

The committee's incident report form no. CCDP/00823 reveals the following information about the cremation.

Eighteen-year old Balwinder Singh, son of Dalip Singh and Swaran Kaur, was a resident of village Kalu Dian Jhugian, post office Bhangala, Kehtan Di Behak, under Valtoha police station in Patti sub-division of Amritsar district. After completing his matriculation, Balwinder chose to work for a Sikh missionary organization at Amritsar called *Pingalwara* that was devoted to the care and service of physically disabled and mentally handicapped persons in Punjab. Balwinder was not married and his mother Swaran Kaur is the main informant in this case.

Twice in 1984, the police had illegally detained and tortured Balwinder under interrogation. According to Swaran Kaur, Balwinder was not involved with any militant group in Punjab. Balwinder was arrested again in October 1992 by SHO Gurinder Singh of Valtoha police station three weeks before his terminal abduction. He was tortured very badly in police custody and told to leave the village if he wanted to save his life. According to Swaran Kaur, the SHO did this at the instigation of a person from village Saran Valtoha who had an established criminal background and wanted to usurp her family land. She thinks that the SHO had been bribed.

Around 4 a.m. on 1 November 1992, SHO Gurinder Singh of Valtoha police station and ASI Nirmal Singh of Sabhrawan police post raided Balwinder's house at Preet Nagar in Amritsar. Balwinder had already sold much of his agricultural land with the intention of leaving his village permanently. He had been negotiating the purchase of a plot of land in Amritsar where he wanted to build a house and for this purpose he had sold his agricultural land in the village. The police officers who raided the house on 1 November 1992 rummaged through the house and Swaran Kaur later discovered that the money that Balwinder had received for his land was missing. The police officials had stolen it. The police officials took both Balwinder and his brother Avtar Singh into custody and took them to Valtoha police station. Swaran Kaur met both of them at Valtoha police station on 06 November 1992. That

afternoon, the police released Balwinder's brother Avtar Singh.

Balwinder was killed in the night between the 6 and 7 November 1992. Swaran Kaur identified the body of her son before its post-mortem examination at Patti hospital. But the CBI has placed his cremation in its unidentified list.

64 – 66. Under serial nos. 476/762, 477/763 and 478/764, the list identifies three cremations carried out by Subha Singh of Voltoha police station on 14 July 1992 under FIR no. 34/92. All three post-mortem reports are marked as 14.7.92 and the cause of death is mentioned to be “police encounter”.

The committee's incident report form no. CCDP/00825 reveals the following information about two of these cremations.

Fifty-four year old Jaswant Singh, son of Isar Singh and Sham Kaur, was a farmer resident of village Bhaini Bhajan Singh in Patti sub-division of Amritsar district. He was married to Amrik Kaur, the main informant in this case.

Jaswant's house was in the outskirts of the village next to his agricultural farm. Given its isolation, members of the militant underground came to them for shelter and food. Jaswant Singh had no way to refuse these armed groups since the security forces were conspicuously absent at nights. Jaswant had been arrested and tortured severely by the Patti police. His interrogators accused him of keeping weapons for the militants and threatened to kill him unless he paid Rs. 50,000/-. Jaswant had escaped getting killed by the police by paying this money in early June 1991.

Around 6 a.m. on 13 July 1991, Jaswant Singh was leaving his farmhouse on his bicycle to go to Patti to sell milk when a police team from Patti, led by DSP Sukhdev Singh Brar, came to the house in a jeep, pulled him down from the bicycle and started beating him up. Another young man Jaspal Singh from Ghariala village in Patti sub-division who was coming towards Jaswant's house on his bicycle was also taken into custody. Policemen first beat him up with rifle butts. Both Jaswant and Jaspal were bleeding when the policemen threw their bicycles on the roadside, pushed them into a vehicle and drove away with them. Jaswant's wife Amrik Kaur realized that her husband was being attacked and kidnapped by uniformed policemen and came running towards them. By then the policemen had left.

As Jaswant's farm house is located only two kilometers from Patti police station, Amrik Kaur immediately went there. Soon after reaching Patti police station, Jaswant and Jaspal were shifted to the temporary headquarters of the CRPF that had been established at the ITI, the Industrial Training Institute, in Patti. Amrik Kaur, too, followed them to ITI. She was not allowed to enter and she decided to wait outside the main gate.

Many hours later, Amrik Kaur saw a police vehicle leave the ITI building. Her husband Jaswant and the other other young man from Ghariala village Jaspal Singh were sitting in the vehicle. The police killed both of them in an alleged armed encounter the same night.

The police carried out the cremations without informing the family members. Surprisingly, the post-mortem report, which Amrik Kaur managed to see, identifies both Jaswant Singh and Jaspal Singh by their names. She also claims to have seen the photographs of their bodies annexed with the report. Yet, the CBI has placed their cremations in its unidentified list.

67 – 69. Under serial nos. 229/180, 230/181 and 231/182, the list shows three cremations carried out by the SHO of Jandiala police station on 23 February 1991 under FIR no. 56/91. The post-mortem reports are marked as 192/23.02.1991, 193/23.02.1991, 194/23.02.1991. The cause of death is given as “police encounter”.

The committee’s incident report form no. CCDP/00828 reveals the following information about one of these cremations.

Twenty-four year old Jagdeep Singh alias Jaggi, son of Joginder Singh and Harjinder Singh, was a resident of village Pandori Ramana, post office Pandori Takhat Mal, under Jhabbal police station in Tarn Taran sub-division of Amritsar district. Jagdeep had completed his higher secondary school education and had started a small flourmill in Amritsar city. His mill was small and two machines pounded food grains into fine flour for domestic use. Jagdeep had to take a loan of Rs. 40,000/ to establish the business. His income was good and he hoped to pay back the loan within a reasonable period of time. He often slept at his shop and visited his parents in the village only at weekends.

Jagdeep was an Amritdhari Sikh, and according to his mother Harjinder Kaur, the main informant in this case, he had no association with any political or militant group. His elder brother Jasbir Singh, a member of the Sikh Students Federation, had been arrested and disappeared by Amritsar’s ‘B’ Division police station in April 1988. Since then Jagdeep kept assiduously aloof from all political activities. He had been picked up illegally only once for interrogation by Patti police station. Jagdeep was unmarried.

Jagdeep’s parents began to get worried when he did not come to see them consecutively for two weekends in February 1991. In the last week of February, they went to Amritsar to make inquiries and found out that their son had been abducted by officers of Jandiala Guru police station and killed in an encounter staged near Chhote Raipur village under Majitha police district. The family members approached some influential persons of their village to talk to the SHO to obtain the truth. The SHO told them that Jagdeep and two other militants had indeed been killed in the encounter. They also saw copies of *Ajit* and *Jagbani* newspapers published on 24 February, which carried a report on the encounter killing of three unidentified militants.

The police carried out the cremations without informing the family members.

The police officials had also carried away all the valuable equipment in his flour mill.

70. Under serial no. 103/80, the list shows a 15 August 1989 cremation carried out by head constable Harcharan Singh of Lopoke police station. The list does not show the FIR number and makes no reference to the post-mortem report. The cause of death is given as “police encounter”.

The committee’s incident report form no. CCDP/00835 reveals the following information about this cremation.

Twenty-five year old Gurdev Singh alias Deba, son of Balbir Singh and Sawinder Kaur, was a resident of House No. 30, Guru Ram Das Nagar, opposite Railway Colony No. 4 under Kot Khalsa police station in Amritsar city. After completing his matriculation, Gurdev was employed as a cleaner on a truck belonging to the

local agency of Thums-Up, a popular soft drink. The only child of Balbir Singh and Sawinder Kaur, Gurdev was married to Jaswant Kaur. His father Balbir Singh, the main informant in this case, was a mechanic employed by the Indian railways at Amritsar. Gurdev had no connection with the militant or political movements. He had never been arrested by the police before this incident.

On 14 August 1989 morning, Gurdev went out to work but did not come back home at night. The next day, Balbir Singh approached his relative Jassa Singh, then a head constable at Ram Bagh police station in Amritsar, and requested him to trace his son. Jassa Singh talked to DSP Gurmel Singh and informed Balbir Singh that the police had arrested some young Sikhs in the city from the apprehension that they might create trouble on India's Independence Day, August 15. Jassa Singh said that all arrested persons would be released within two or three days and that Balbir Singh should not worry about the matter.

Balbir Singh and his wife were, however, worried and tried to meet SSP Anil Kumar Sharma and DSP Gurmel Singh. But the officers were all busy in supervising security duties and they could not meet them. Balbir Singh then sent telegrams to the Governor of Punjab and the Prime Minister of India informing them about his son's disappearance and requesting them to order an investigation to trace him. His telegrams remained unacknowledged.

Two days later, one of Balbir Singh's colleagues at the railway workshop told him that his own younger brother Lakha Singh too had been arrested on the 14th of August, and that he was released from custody the following day after the conclusion of the official Independence celebrations. Balbir Singh then met Lakha Singh and talked to him about his experience. Lakha Singh told him that he and Gurdev Singh had been picked up from a market in Amritsar and were held together for a short while at Mall Mandi Interrogation center and questioned under torture. After the police separated them, Lakha Singh did not know what happened to Gurdev.

Balbir Singh then went to various police stations in Amritsar and the neighboring districts to inquire about his son. But he failed to find out anything. Two months later, he discovered a report about an encounter, staged under Lopoke police station in the night between the 14th and 15th of August, in which three young Sikh militants were allegedly killed. Balbir Singh got in touch with Jassa Singh, a policeman who was his relative, and they went to Lopoke police station to make inquiries. After much persuasion, a Sub-inspector at Lopoke police station showed Balbir Singh a bundle of clothes that had belonged to the boys who had been killed in that encounter. Balbir recognized his son's clothes. He could not find out how and why his son was eliminated in a fake encounter. He also found out that one of the persons killed along with Gurdev Singh that night was Kulwant Singh, son of Shingara Singh, from Fatehgarh Churian village in Gurdaspur district. According to Balbir Singh, his son had absolutely no connection with this person and did not even know him. The CBI succeeded in identifying Kulwant Singh's cremation and has included it in its list of identified cremations Under serial no. 101/7. This cremation too was carried out by head constable Harcharan Singh.

71 - 72. Under serial nos. 42/90 and 43/91, the list shows two 24 June 1989 cremations carried out by SHO Surinder Singh of Tarn Taran's Sadar police station under FIR no. 48/89. The post-mortem report numbers are PS-22/89 and

PS-21/89. The cause of death is given as “firearm injuries”.

The committee’s incident report form no. CCDP/01078 reveals the following information about these cremations. Dara Singh, father of Mehal Singh, is the main informant in these cases.

Sixteen year old Mehal Singh alias Chhotu, son of Dara Singh, was a resident of village Pandori Gola, under Tarn Taran’s police station, in Tarn Taran sub-division of Amritsar district. Although Dara Singh’s ancestral village was Jauhal Raju Singh Wala, he had lived for over 30 years in his in-laws’ village Pandori Gola. Dara Singh’s father Saudagar Singh had served in the army both under the British and after independence. Dara Singh had three brothers; two who also served in the army have died. Dara Singh participated in the political programs of the Akali Dal, although he was not an active member. Dara Singh had four sons and two daughters.

Mehal Singh had studied until class VII, and then started working as an apprentice at the Tractor Repair Workshop of Malook Singh. Mehal worked there under training for a period of about two years, until he was abducted. He would go to work in the morning and return every day in the evening.

On the night of 17 to 18 June 1989 at about 12.30 a.m., a large police party from Tarn Taran’s City police station and the CRPF, led by DSP Sita Ram and Inspector Sukhchain Singh, raided Dara Singh’s house by scaling the walls. Some policemen also climbed onto the roof. Because it was summer, the family was asleep in the courtyard. The police woke them up and started beating the men with sticks, slaps and kicks. The police made Dara Singh and his sons Gurmel Singh, Harmel Singh and Nirvair Singh sit outside the house facing the wall. The police took Mehal Singh to one side. For 20 minutes the family could hear Mehal Singh shrieking.

In the meantime the police searched the house, including trunks and other storage boxes. The police stole two watches during the search. After about half an hour, the police made all of them walk up to the road where seven to eight police vehicles had been parked and the police and CRPF personnel were present in large numbers. All of them were placed in vehicles. A short while later, the police brought Dilbagh Singh s/o Ram Singh, also a resident of Pandori Gola, and made him sit in a vehicle. Leaving some CRPF men at the house, the police took all of them to Tarn Taran’s City police station.

At Tarn Taran police station, the police made Dara Singh, Gurmel Singh, Harmel Singh and Nirvair Singh sit on the verandah while they thrashed Mehal Singh with ‘lathis’ (sticks) under the supervision of DSP Sita Ram and Inspector Sukhchain Singh. They were all detained at Tarn Taran that night and in the morning at 5 a.m. they were taken to CIA Staff Tarn Taran. Immediately on arriving there, while Dara Singh and his older sons were separated on one side, the police began to torture Mehal Singh under the supervision of Inspector Gurdev Singh. The police tied Mehal Singh’s arms behind his back and then suspended him from the ceiling by his arms, for half an hour at a time. He cried in pain. Then the police would lower him to the ground, untie his arms, and interrogate him. In the meantime, the police put Dara Singh, Gurmel Singh, Harmel Singh and Nirvair Singh in a Gypsy van with some policemen and took them back to Tarn Taran’s City police station. On 19 June 1989, the police released all four of them and they returned home.

From June 20 onwards, Dara Singh and eminent people of the area met the SSP of

Tarn Taran and DSP Sita Ram several times to try and secure Mehal Singh's release. During these meetings Bachan Singh, resident of village Jauhal Raju Singh, also accompanied them because a police party led by DSP Sita Ram had picked up his son Charhat Singh on 18 June at 4 a.m. from their house. When Dara Singh and Bachan Singh met the SSP of Tarn Taran, he told them that he would not release their sons Mehal Singh and Charhat Singh because both of them were militants. And when they approached DSP Sita Ram, he flatly denied custody of both boys. Each day Dara Singh and Bachan Singh would go and sit outside the gates of CIA Staff Tarn Taran and return home dejected in the evening.

Dara Singh told the Investigation Team that he and Bachan Singh would keep track of the bodies the police brought for post-mortems to the hospital and the cremation ground. On 24 June 1989 the police brought two bodies to the hospital. However Dara Singh and Bachan Singh did not see those bodies, but by inquiring from the doctor who gave them a description of the clothes on the bodies and others, it became apparent that these were indeed bodies of Mehal Singh and Charhat Singh. Despite any uncertainty, Mehal Singh's family performed his last rites on 24 June 1989, assuming that to be the day of his death.

The police did not give any official information to the families about the deaths of Mehal Singh and Charhat Singh. Mehal Singh's brother Gurmel Singh was allegedly killed in an encounter with the Haryana police in Ambala district on 11 July 1990.

Dara Singh submitted a claim for compensation for the death of Mehal Singh to the National Human Rights Commission (NHRC) in response to their public notice of 22 January 1999.

73 – 74. Under serial nos. 320/231 and 321/232, the list shows two 25 October 1991 cremations carried out by the ASI of Beas police station under FIR no. 185/91. The post-mortem report numbers are marked as SPG/FM/189/91 and SPG/FM/191/91. The cause of death is given as “police encounter”.

The committee's incident report form no. CCDP/01113 reveals the following information about these cases. Dilbagh Singh's father Pooran Singh, a retired Junior Commissioned Officer of the Indian army, is the main informant in this case.

Dilbagh Singh alias Baga, son of Pooran Singh and Jagir Kaur, resident of village Devidas Pur, Mehlan Wale, under Jandiala Guru police station in Amritsar district, was a thirty-seven year old graduate working for a private firm at Bombay. He was married to Manjit Kaur, a school teacher, and was the father of two daughters who are now 17 and 15 and two younger sons, now 14 and 11. The family is well-known and respected in the area because one of the ancestors, Baba Jwala Singh, had held an important political position under the reign of Ranjit Singh, the powerful Sikh State annexed to British India in 1849, and had received the right over the revenue of Devidaspur village.

Dilbagh had gone to Mumbai to work for a private firm after obtaining his college degree in 1978. Later, in partnership with another person, he also started a restaurant specializing in Punjabi food. In 1981, Dilbagh got married to Manjit Kaur. In 1987, Manjit Kaur and her four children returned to her husband's village and Dilbagh, who continued to live in Mumbai for livelihood, began to visit them frequently.

Once in 1989, Amritsar's CIA staff arrested Dilbagh when he was visiting his

family. They detained him illegally for 14 days and brutally tortured him. Then a newspaper report announced his death in a supposed police encounter. The report enraged the residents of his village so much so that, in large numbers, they surrounded the Jandiala Guru police station to demand the body. The demonstrators met Amritsar's SSP Anil Sharma who told them that Dilbagh Singh had not been killed and that he was under interrogation at the Mall Mandi Interrogation center. Sharma promised to transfer him to Jandiala Guru police station.

Two days later, Pooran Singh met his son at the police station and saw that his physical condition, from custodial torture, was very critical. DSP Gurmel Singh Bai had carried out the torture. After some days, Dilbagh was implicated in a case under TADA and sent to Amritsar jail. He was released on bail three weeks later.

The Jandiala police continued to pick up Dilbagh after his release from jail and torture him in illegal custody. Dilbagh was finally fed up and left home to go underground. Dilbagh's wife, together with her children, moved to Ludhiana where she was selected as a teacher in a local school. She admitted her children to the same school. The Jandiala police began to pick up his father and other family members and torture them in illegal custody. Pooran Singh was also not allowed to cultivate his land.

On 23 October 1991, Dilbagh visited his children at their school at Rahon in Ludhiana district and then together with them, his wife Manjit Kaur and two of her colleagues, left for Jalandhar city in a car. On the way, all of them were taken into custody by a joint police force, comprising officers from Jalandhar, Amritsar, Banga and Nawanshahar police station. The police separated Dilbagh from the others and took him to some unknown place for interrogation. Manjit Kaur, her children and her colleagues were taken to a Jalandhar police station where they met Amarjit Singh Dehriwal in police custody.

In the night intervening the 24 and 25 October 1991, Dilbagh Singh and Amarjit Singh of Dehriwal village were killed in an encounter faked by the Beas police station. Their bodies were brought to the Beas police station where some relatives of Amarjit Singh recognized them. Dilbagh's father, accompanied by members of the village council, met the SSP of Majitha police district to request him to return his son's body for a family cremation. The SSP only allowed him and other family members to attend the cremation at the Durgiana Mandir cremation ground. The police also obtained his signatures on some blank papers. Surprisingly, the police performed the cremations of Dilbagh Singh and Amarjit Singh Dehriwal by claiming that their bodies were unidentified.

The Jalandhar police held Manjit Kaur and her children in their custody until the 25th of October when they were dropped off at the town of Raiyya. From there, Manjit Kaur went to her parental village where she found out about the killing of Dilbagh Singh and Amarjit Singh. Her family members were later able to collect Dilbagh's personal belongings, like his steel bangle, his golden ring and a chain, confiscated at the time of his arrest, from Nawanshehar police station. Dilbagh's widow Manjit Kaur continues to teach at the school in Rahon and her children too continue to study there.

75 – 76. Under serial nos. 231/347 and 232/348, the list shows two 28 October 1992 cremations carried out by Sultanwind police station. There are no FIR numbers or post-mortem report numbers. The cause of death is given as “bullet injuries”.

The committee's incident report form no. CCDP/01153 reveals the following information about one of these cases. The main informant is the victim's mother Surjit Kaur.

Eighteen-year old Pargat Singh alias Laati, son of Mangal Singh and Surjit Kaur, was a young agricultural worker in a poor Jat Sikh family from Sohian Kalan village, Uchchi Patti, under Majitha police station in Amritsar district. The youngest in the family with four brothers and sisters, Pargat Singh gave up school without completing his primary education and began to work as an agricultural laborer in peak seasons. He also worked in a cloth mill. He was unmarried. Pargat Singh did not have any association with the militant movement and had never been arrested or interrogated before his death.

In October 1992, Pargat Singh had been planning to attend the festival of *Diwali* at Anandpur Sahib, celebrated traditionally in the last two days of the dark half of the lunar cycle towards end of October or early November. The festival commemorates the founding of the Golden Temple at Amritsar and the release of the sixth guru, Guru Hargovind in 1619 from his imprisonment under then Mughal rulers of India at Gwalior fort. The main celebration, with illumination of the temple with clay oil lamps and candles, was scheduled for 29 October. Two days before the event, Pargat Singh went to Amritsar to do some shopping, but did not return home. His family members assumed that he might have left for Anandpur Sahib directly from Amritsar.

A few days later, people in the village talked about an encounter near Boruwal in which Pargat Singh of Sohian Kalan and three others had been killed. Pargat's family members panicked and made inquiries. Some policemen residents of the village seemed to confirm the rumour. Others who had gone to Anandpur Sahib for the festival said they had not seen Pargat. Surjit Kaur then contacted the relatives of the other boys killed along with her son and found out that all of them had been arrested from a tea-stall in Sultanwind area of Amritsar.

The attendants of the Durgiana Mandir cremation ground told Surjit Kaur that the relatives of the other boys had already collected the ashes. Surjit Kaur could not remember the names and addresses of the others killed and cremated along with her son.

It is difficult to identify the corresponding cremations on the basis of the information that Surjit Kaur is able to provide. The CBI's list of identified cremation, Under serial no. 349/61, shows that SHO Surinder Singh of Sultanwind cremated one Pratap Singh under FIR no. 42/92. Father's name given in the list is Charan Singh Khumiyar and the village is mentioned to be Pandori. That clearly is the case of Pratap Singh, son of Charan Singh from Pandori Mehma village discussed in the connected chapter and mentioned in the CCDP's incident report form no. 01169. The list of unidentified cremations, Under serial nos. 230/345 and 231/347, shows two connected cremations carried out by the Sultanwind police on 28 October 1992. It is probable that one of these cremations includes the body of Pargat Singh.

77 – 79. Under serial nos. 252/401, 253/402, and 254/403, the list shows three 5 May 1991 cremations carried out by the inspector/SHO of Tarn Taran's City police station. There is no FIR no. The post-mortem report numbers are PS-55/91, PS-56/91, and PS-57/91. The cause of death is given as "fire arm injuries".

The committee's incident report form no. CCDP/01157 and 01158 reveal the following information about these cases. The main informants in these cases are Joginder Singh, father of Balwinder Singh, and Gurmeet Kaur, mother of Manjit Singh.

Twenty-five year old Balwinder Singh alias Billa, son of Joginder Singh and Kailash Kaur, was a young farmer resident of Bundala village, Lakhu Wala Khooh, Patti Masoor, under Jandiala Guru police station in Amritsar district. He was unmarried. Belonging to a poor family with seven brothers and sisters, Balwinder had abandoned school after the primary level to help his father with his agricultural work. According to Balwinder's father, the June 1984 Army operation against the Golden Temple of Amritsar left a deep imprint on his mind, and Balwinder began to take interest in the politics of Sikh resistance that developed in the wake of the attack. The Jandiala Guru police became suspicious and started harassing him and his family members. Balwinder was arrested on two occasions and, following illegal detention and torture that lasted several days, the police implicated him in criminal cases and sent him to jail. The police continued to harass him each time he came out on bail, holding him in illegal detention and torturing him in custody. Balwinder continued to suffer these atrocities realizing that by becoming a fugitive he would expose his family members to greater suffering.

Twenty-six year old Manjit Singh, son of Mohinder Singh and Gurmeet Kaur, from Bundala village, Patti Hindun Ki, Maliwala Khooh, under Jandiala Guru police station in Amritsar district, was a young unmarried farmer who had been arrested by the police in 1988 on the charge of sheltering militants. He remained in jail for 21 months and was released on bail at the beginning of 1990. Balwinder and Manjit were friends.

Around 4 p.m. on 9 or 10 April 1991, Balwinder and Manjit, together with another resident of the village known as Billa, son of Ajit Singh, traveled together to Tarn Taran. On the way, near village Pakho Ke, a police team, led by SP (operations) Khubi Ram and SHO Major Singh of Tarn Taran's City police station, arrested them. The people who witnessed the incident immediately informed the families. It was already very dark and the families were unable to take any action that night.

The next morning, the family members of all three boys went to Sadar police station and talked to the SHO who, however, denied having arrested them. They also met SP (operations) Khubi Ram who refused to give any information. A relative of Manjit Singh, a BSF deputy superintendent, too tried to get some information from SP Khubi Ram, but to no avail.

The three boys have since disappeared. Nothing could be found out about their whereabouts and their fate. Joginder Singh and Manjit's mother Gurmeet Kaur believe that the police killed them in custody and got rid of their bodies after declaring them to be unidentified.

It is reasonable to suggest that these cremations recorded in the CBI's list indicate that Balwinder, Manjit and Billa were killed and their bodies disposed of as their families suspect they were.

Three months after this incident, Manjit's father Mohinder Singh was gunned down outside his house by some men in plainclothes. The police claimed that the Sikh militants committed the murder. However, the compensation customarily paid by the government to victims of militant violence was not given to Mohinder Singh's widow.

80. Under serial no. 250/378, the list shows one 26 June 1993 cremation carried out by SI Mohinder Singh of Amritsar's Sadar police under FIR no. 115/93. The post-mortem report number is GM/FM-1155/93. The cause of death is given as "police encounter".

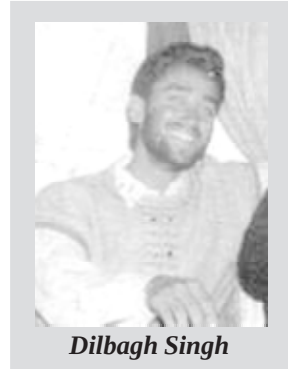
The committee's incident report form no. CCDP/01166 reveals the following information about this case. The victim's brother Harpal Singh is the main informant in the case.

Twenty-one year old Dilbagh Singh alias Baga, son of Bakhshish Singh and Kulwant Kaur, was a police constable from Nangali Naushehra village, Rabban Da Dera, under Sadar police station, in Amritsar district. Dilbagh was unmarried. Dilbagh had joined the Punjab police as a constable soon after passing his higher secondary school examination in 1991. Initially, he was posted in Gurdaspur district. Later, he was transferred to the Company Bagh Police post in Amritsar city.

In the night intervening the 22nd and 23rd of June 1993, around 1 a.m. a large police force led by DSP Mohinder Singh Fauji and SHO Mohinder Singh Karikki of Sadar police station in Amritsar city raided Dilbagh Singh's house while he was on duty at his police post. The family members were surprised when the officers asked for Dilbagh and they told them that he was on night duty at the Company Bagh Police Post. The officers took his father Bakhshish Singh, his three brothers, and Dilbagh's cousin into custody and drove with them to the Company Bagh Police Post. All of the family members stayed in the police vehicle while the officers went out to arrest Dilbagh. They brought him out of the police post with his hands tied behind his back, pushed him into a separate vehicle and drove to Sadar police station. Dilbagh was locked up in a single cell. His family members were confined in a separate room.

Some hours later that same night, Dilbagh was taken out of the cell. His removal was witnessed by his father and other family members locked up in a different room. No officer came to interrogate them. On 28 June 1993, members of the village council intervened to get them released. While letting them out, SHO Mohinder Singh Karikki looked remorseful. He said: "You have suffered a great loss," indicating that Dilbagh had been killed.

According to Harpal Singh, his brother was not involved in any kind of militant or political activities and performed his duties as a policeman conscientiously. Dilbagh did not like to participate in operations that involved torturing and killing people. Some of his superiors interpreted his refusal to associate with special operations as a sign of sympathy for the militant cause. Dilbagh's two cousins, Rajinder Singh and Hardial Singh, sons of Ajit Singh from Nangali Naushera village in Amritsar district, had been involved with the militant underground. Although Dilbagh had no association with them, his superior officers always teased him about the relationship. The family does not know what happened to Rajinder Singh and Hardial Singh, who also disappeared.



81. Under serial no. 209/165, the list shows one 7 January 1991 cremation carried out by SI Rajinder Singh of Beas police station under a No. 6.1.1991. The

post-mortem report number is listed as GM/257/91 7.1.1991. The cause of death is given as “encounter”.

The committee’s incident report form no. CCDP/01179 reveals the following information about this case. The main informant is the victim’s father Inder Singh, a retired Army officer.

Nineteen-year old Gurjeet Singh, son of Inder Singh and Gurmeet Kaur, was an electronic technician from village Thathian, post office Sathiala, near Gurdwara Kala Mehar, under Beas police station, in Baba Bakala sub-division of Amritsar district. After completing his Higher Secondary School examination, Gurjeet joined a technical institute at Amritsar and obtained a diploma in repairing televisions and other electronic gadgets. He opened an electronic repair shop in the town of Baba Bakala, about one kilometer from his village. Gurjeet had no involvement with the militant movement then raging in Punjab.

In the afternoon of 6 January 1991, Gurjeet was resting at his house because it was Sunday and his shop was closed. Around 2 p.m. Kulwant Singh, son of Bachan Singh of Jalal Usman village, came to his house and requested Gurjeet to accompany him to his village to repair his broken video player. Kulwant Singh had come on his scooter and promised to drop him off after the repair. Gurjeet collected his tools and went with Kulwant Singh. He did not come back home that night.

Inder Singh became worried and did not know what to do.

On 8 January 1991, Inder Singh received a message from a village resident Kulbir Singh saying that he had seen his son Gurjeet’s body at the Mall Mandi Interrogation center in Amritsar. Immediately, Inder Singh went to village Jalal Usman and found out that Gurjeet did not reach Kulwant Singh’s house in the afternoon of 6 January. Inder Singh then went to Beas police station but the officers there denied having arrested him. Then he met the DSP of Baba Bakala who said that one young militant had been killed in an encounter with the CRPF that had taken place near village Thathian and asked him to come to identify his clothes at the Beas police station. Inder Singh went back to Beas police station and recognized the clothes belonging to his son. The police officers said that they did not know how he was actually killed as the body had been brought to the police station by the CRPF personnel.

A newspaper report that appeared on 8 January 1991 said that an unidentified militant committed suicide by consuming cyanide when surrounded by the police.

Inder Singh later found out that Gurjeet and Kulwant Singh were arrested by a joint team of Punjab police officers and the CRPF who had set up a checkpoint at village Dhardeo on 6 January 1991 when they were on their way to village Jalal Usman. They were immediately separated and sent to the Mall Mandi Interrogation center in Amritsar. Kulwant Singh was released on 11 January 1991.

According to Inder Singh, his wife Gurmeet Kaur could not cope with the trauma of Gurjeet’s disappearance and the report of his death and became terminally ill. She died in February 2002.

82 - 83. Under serial nos. 218/324 and 219/325, the list shows two 5 August 1992 cremations carried out by D Division police in Amritsar. There is no FIR number. The post-mortem reports are labeled GM/FM/819/20 and GM/FM-820/92. The

cause of death is given as “police encounter”.

The committee’s incident report form no. CCDP/01183 reveals the following information about these cases. The main informant is Satinder Singh’s mother Manjit Kaur.

Sixteen-year old Satinder Singh alias Rinku, son of Gurbakhsh Singh and Manjit Kaur, was a welding mechanic resident of House No. 253, Gali No. 1, Shaheed Udham Singh Nagar under B division police station in Amritsar city. He was unmarried. Satinder was a clean-shaven Sikh and not particularly religious. His father was physically handicapped and used to drink heavily. Satinder worked to support the family.

Early in the morning of 7 July 1992, around 5 a.m. a large group of police officers, led by SHO Charan Das of B Division police station, raided Satinder’s house and took him away in their custody. The arrest was witnessed by all members of the family. The morning of the next day, the same group of officers came back to the house for a search. Satinder was also with the police officials, but he was not allowed to talk to any one in the family. The police officials, along with Satinder, went away after confiscating all of the furniture and other valuable belongings in the house. While the search was in progress, Satinder was seen in police custody by many residents of the village. According to Manjit Kaur, the police also arrested Avtar Singh, son of Lakhbir Singh and a resident of Shaheed Udham Singh Nagar in Amritsar.

Two days later, a group of police constables came to the house again and took Manjit Kaur with them to B Division police station where SHO Charan Das showed her a pistol, allegedly recovered from her son. She also saw Satinder in the police lock-up.

For the next one month, Manjit Kaur daily went to B Division police station and talked to SHO Charan Das and his clerk Surinder Singh several times. The officers gave vague answers when she asked when they planned to release her son. After approximately one month, the SHO asked her to take back some of the household furniture that had been confiscated the day after Satinder’s arrest. He also gave her Rs. 10 to hire a vehicle to return to her house along with her furniture. The SHO told her not to come back to the police station again. She did not know what happened to her son. Avtar Singh, arrested from his house a day after Satinder’s abduction on 7 July 1992, also disappeared.

Nearly two years after the incident, two constables from Lahori Gate police station in Amritsar came to her house to make inquiries about various members of the family. They also told her informally that Satinder had been killed.

84. Under serial no. 369/251, the list shows one 21 March 1992 cremation carried out by ASI Amrik Singh of Mehta police station. There is no FIR number. The post-mortem report is marked as GM/FM/678/92. The cause of death is given as “police encounter”.

The committee’s incident report form no. CCDP/01188 reveals the following information about this case. The main informant is the victim’s father Gurbans Singh, former head constable of the Punjab Police.

Twenty-three year old Sarabjit Singh, son of Gurbans Singh and Harbhajan Kaur, was a former Punjab police constable from Wadala Kalan village, Mian Ki Patti, under Beas police station in Baba Bakala sub-division of Amritsar district. Sarabjit

finished his higher secondary school education and then joined the Punjab police as a constable. Posted in Gurdaspur district, Sarabjit was assigned the duty of a driver.

Within some months of joining the force, Sarabjit became very disturbed about what he saw of police brutalities. Being a driver, his duty required him to take the officers to various police stations in the district where he saw how young Sikhs held illegally were tortured under interrogation. He also witnessed several fake encounters. Sarabjit talked to his father about these experiences and told him that he could not bear to work for a police force that behaved so inhumanly with his fellow Sikhs. Both Sarabjit and his father resigned from the police service in February 1990.

According to Gurbans Singh, Sarabjit started developing contacts with members of the Sikh militant underground. The police found out and started raiding his house to arrest him. Sarabjit managed to dodge his arrest and left his house. The police illegally detained and brutally tortured his father and brothers at Mall Mandi Interrogation center in Amritsar.

On 4 August 1990, Sarabjit was arrested from village Thathian and interrogated in illegal custody that lasted two weeks under terrible torture. He was then implicated in several criminal cases under TADA and sent to jail. Sarabjit obtained a bail order on 7 May 1991. Gurbans Singh met SSP Paramjit Singh and requested him to instruct his police force not to harass his son with illegal arrest and custodial torture and to let him and his family live in peace. The police continued to pick him up regularly for interrogation. But he was spared of torture.

On 19 March 1992, a team from Mehta police station, led by ASI Ram Lubhaya and Sub-inspector Gurdeep Singh, came to Sarabjit's house and took him away for an interrogation. These illegal arrests for interrogation had become fairly routine and Gurbans Singh had become somewhat used to them. He assumed that the police would release his son, as in the past, after some days of interrogation.

On 21 March 1992, several Punjab newspapers prominently carried a report to announce that a well-known militant Sarabjit Singh had been killed in an encounter near village Pallah. Gurbans Singh, accompanied by several village elders, went to Mehta police station and requested the officers to return the body for its cremation. But the officers refused. Gurbans Singh became very emotional but his rage had no impact. The police officials carried out the cremation at Durgiana Mandir cremation ground.

85 – 90. Under serial nos. 629/1973, 630/1074, 631/1075, 632/1076, 633/1077, and 634/1078, the list shows six 15 October 1993 cremations carried out by SHO Subha Singh of Verowal police station under FIR no. 61/93. The post-mortem report numbers are PS-22/93, PK-23/93, PK-24/93, GSD-26/93, GSD-27/93, and PS-23/93. The cause of death for the first cremation is given as “police encounter,” and the cause of death for the rest is “firearm injuries”.

The committee's incident report form no. CCDP/01200 reveals the following information about these cases. The main informant is Jagtar Singh's wife Sukhwinder Kaur.

Twenty-six year old Jagtar Singh alias Jagga, son of Bawa Singh and Bhajan Kaur, was a Mehra Sikh from village Tarsikka, Patti Watalian Di, under Mattewal police station, in Baba Bakala sub-division of Amritsar district. An Amritdhari Sikh,

he worked for the Punjab government in a cooperative society. He was married to Sukhwinder Kaur and they had one son.

As a student, Jagtar Singh was a member of his school's chapter of the Sikh Students Federation. The police arrested him once and charged him with practicing sorcery. After his release, the police arrested him again, registered a case against him and sent him to Amritsar jail. After his acquittal a year later, the Punjab government gave him his job in the co-op society.

On 7 October 1993 at about 4 p.m. armed policemen in plain clothes came to Jagtar Singh's house. Three knocked on his door, while another remained seated in their vehicle. When he identified himself to the police, one of the policemen kicked Jagtar Singh, causing him to drop the glass he was holding. The police forced Jagtar Singh and Balraj Singh, son of Bhajan Singh, who was sitting nearby, into their white Maruti car.

That evening, Jagtar Singh's father, accompanied by other people, met SHO Raghbir Singh Makhi at Mattewal police station. The SHO told them that the CIA Staff at Tarn Taran had taken away his son. Their delegation approached the CIA staff but did not receive any information.

Balraj Singh's family members managed to secure his release four days later. Balraj told Jagtar Singh's family that they were separated from each other after reaching Tarn Taran. Jagtar Singh's family continued to persist in their attempts to secure his release. Initially, the SSP and other police officers reassured them that they would release Jagtar Singh.

On 16 October, newspapers, relying on claims made by the SSP of Tarn Taran, Ranbir S. Khatra, reported that a militant Jagtar Singh Jagga was killed in the cross fire when militants attacked the police party taking him for the recovery of weapons at 4 a.m. The firing allegedly lasted for three hours. The police also killed all five unidentified militants who attacked the police party. The news reports fully identified Jagtar Singh, giving his name, his father's name, and his village.

A *Hindustan Times* correspondent visited Jagtar Singh's house and then filed a report alleging that the encounter had been faked by the police. Other newspapers picked up on this incident.

The police did not inform Jagtar Singh's family about his death or return his body to them. Despite the police's full knowledge of Jagtar's identity, and the news reports fully identifying him, the CBI included his cremation in their list of unidentified cremations.

91 – 93. Under serial nos. 596/331, 597/332 and 598/333, the list shows three 31 March 1993 cremations carried out by the Mehta police. There are no FIR numbers or post-mortem report numbers. The cause of death is given as “police encounter”.

The committee's incident report form no. CCDP/01229 reveals the following information about these cases. Charan Kaur, the mother of Surjit Singh, is the main informant in these cases.

Surjit Singh, son of Dalip Singh and Charan Kaur, was an illiterate Mazhabi Sikh resident of village Kotli Dhole Shah, under Kathu Nangal police station, in Amritsar sub-division and district. He was married to Raji and had a son and a daughter. Surjit

Singh was the eldest among two brothers and four sisters. He worked as a labourer and did not have any political or militant background. He was a clean-shaven youth.

On 20 March 1993, a police party of Kathu Nangal police station, led by SHO Dilbagh Singh and head constable Kuldeep Singh, raided Surjit Singh's house. The police entered the house by scaling the walls and opened the door of the house. They woke up Surjit Singh who was sleeping with his young child and directed him to accompany them. On being asked by his parents as to why they were arresting and taking him away, the police said that they wanted him to show them the way to some place and that they would release him soon. The family continued to wait for Surjit Singh but he did not return home. The same police party arrested Preetam Singh s/o Udham Singh, Balwinder Singh s/o Ratan Singh, and Mukhtiar Singh Mukha of the same village during that night.

On the following day, the village Panchayat and the family members went to Kathu Nangal police station to pursue the cases of the arrested men. The SHO assured them that the men would be released after interrogation. The families and the panchayat continued to visit the police station daily. On the third or fourth day on March 23 or 24, as the family members of the arrested men stood outside the police station, the police made the men board a vehicle and asked the family members to go home. Thereafter, whenever the family members came to make enquiries at the station, the police used to say that they had sent the detainees to Mall Mandi interrogation center or were lodged at Ram Bagh police station.

Balwinder Singh s/o Ratan Singh, Harbans Singh, resident of Ghaseetpura, Mangal Singh s/o Teja Singh, resident of Nangali Naushehra, and another man were shown by the Kathu Nangal police as having been killed in an "encounter" near village Sehanewali on 29 March 1993. The CBI's list of partially identified cremations lists their cremations, with the fourth man partially identified as Jagtar Singh, s/o Dharam Singh, Under serial nos. 590/93, 591/94, 592/95, and 593/96. There are no FIR nos. or post-mortem report numbers. The cause of death is given as "police encounter".

On 30 March 1993, the Mehta police reported that the police killed Surjit Singh and Preetam Singh, s/o Udham Singh, in an encounter near village Dandel under Mehta police station. The Punjabi daily newspaper *Jagbani* dated 1 April 1993 reported the killing of three militants the previous night in an encounter with the security forces near village Tanek (Dandel) under Mattewal police station. Two of them were identified as Preetam Singh s/o Udham Singh and Surjit Singh s/o Dalip Singh, both residents of Kotli Dhole Shah. The police recovered one double barrel gun, one 12 bore pistol, three watches, two rifles and electric motors from the site of the encounter. According to the police, all three of them were robbers. These unidentified cremations probably represent the cremations of Surjit Singh, Preetam Singh, and Mukhtiar Singh. Balwinder Singh's cremation already figures in the partially identified list.

The police did not hand over the bodies to their family members. After reading the news report, when the family members and other villagers enquired at Kathu Nangal police station, the police said they had already released them.

94. Under serial no. 399/619, the list shows one cremation on 22 January 1992 carried out by inspector Gurdev Singh, CIA Tarn Taran, of Sarhalli police station under FIR no. 9/92. The post-mortem report number is PS-03/92. The cause of death is given as "firearm injuries".

The committee's incident report form no. CCDP/01231 provides the following information about this case. The main informant is the victim's wife Jagir Kaur.

Forty-year-old Gulzar Singh, son of late Harnam Singh and late Phinno, was a *Mazhabi* Sikh resident of village Rataul, Mazhabian di Patti, under Tarn Taran's City police station, in Tarn Taran sub-division of Amritsar district. He was married to Jagir Kaur and they had two sons and a daughter. Gulzar Singh was a Naik in 2 Sikh Light Infantry. He did not have any links with political or militant activities. However, his younger brother, Dilbagh Singh, had been arrested by the police because they suspected he had links with militants and they had registered a case against him. Gulzar Singh, however, did not have any connection with the activities of Dilbagh Singh. Both brothers were married and used to live separately.

In April 1991, while Gulzar Singh was at home on leave, a large force of police and security forces surrounded the village. The police suspected that some militants were hiding inside the village. They conducted a house-to-house search, including Gulzar's brother Dilbagh Singh's house in his absence. As Gulzar Singh was his neighbour, the police asked him about his brother. Gulzar Singh replied that he did not know anything about him. On hearing this, the police started beating Gulzar Singh, arrested him and took him away. They also put Gulzar Singh's house on fire, burning all of his household items. The police assembled all the men of the village at one place. In the meantime, the police arrested Gulzar Singh's brother Dilbagh Singh also from the fields.

Gulzar Singh sustained serious injuries on his head from the police beating. The police handed him over to the Dogra Regiment of the army, on field duty in the area of Tarn Taran. The army unit provided first aid to Gulzar Singh and sent him back to his unit at Jammu. His wife and children also accompanied him to Jammu where he was allotted a quarter. Gulzar Singh complained against the ill treatment meted out to him and the head injuries inflicted by the police to his CO. The CO wrote a letter of protest to the SSP of Tarn Taran. In reply, the SSP Tarn Taran wrote that they wanted Gulzar Singh in connection with the murder of some police officers and that he be handed over to the police.

One day, an army officer came to their quarter along with three to four jawans and took Gulzar Singh away. When Gulzar Singh did not return for a month, his wife met the officer but did not receive any clear answers. Jagir Kaur waited for two months and when she ran out of money, she returned to the village. However, she was never told by anybody that the army authorities had handed Gulzar Singh over to the Tarn Taran Police. The family learnt about this a long time after this incident when the army authorities wrote in reply to their letters that Gulzar Singh had been handed over to the SSP of Tarn Taran. And the SSP Tarn Taran had intimated to Gulzar Singh's unit (Dogra Regiment) in Jammu by a letter dated 23 January 1992 that Gulzar Singh had escaped from their custody on 22 January 1992 while he was being taken to the Civil hospital for treatment.

The army authorities did not pay Gulzar Singh's service benefits to his family because the family could not produce proof of his death. In order to get justice in this matter, his family wrote letters to the army authorities of 2 Sikh Light Infantry apart from the army headquarters, the President of India and other senior officers. Nobody listened to them.

Gulzar's wife was illiterate. She was able to take some action in this matter with

the help of some relatives who have retired from the army . She was making both ends meet by doing menial jobs and there was no money to pursue the case. Other family members who have disappeared or been killed by the police include: Gulzar Singh's brother Dilbagh Singh, son of Harnam Singh; his nephew Gurmej Singh, son of Dara Singh; and his nephew Angrez Singh, son of Kundan Singh.

95. Under serial no. 29/67, the list shows a cremation on 29 December 1988, carried out by SHO Mohinder Singh of Valtoha police under FIR no. 163/88. There is no post-mortem report number. The cause of death given is “encounter”.

The committee's incident report form no. CCDP/01246 reveals the following information about the cremation. Gurpartap Singh, the nephew of Bagicha Singh, is the main informant in this case.

Twenty-two-year-old Bagicha Singh, son of Surta Singh and Sawinder Kaur, was a resident of village Asal Utar, Kasson Ka Qila, under Valtoha police station, in Patti sub-division of Amritsar district. He was unmarried.

Bagicha Singh's father was a poor Jat farmer, a father of five sons, with just five acres of land. In 1987, while Bagicha Singh was a student, he became interested in the Sikh militant movement. When the police started raiding his house to arrest him, he deserted his house to join the militant underground.

On 27 December 1988, Bagicha Singh, along with an associate, had taken shelter at the farm house of Mahal Singh at village Cheema. Around 6 p.m. that day, the Valtoha police surrounded Mahal Singh's farmhouse and arrested both of them. Since the police did not take any action against Mahal Singh, the family suspects that he may have informed the police about his visitors. The police interrogated Bagicha Singh and his companion for some hours and then killed them in a faked encounter early in the morning. Newspapers published on December 29 and 30 reported that two unidentified militants had been killed in the encounter. The police carried out their cremations without informing the family. It is not clear what happened to the second body.

According to Gurpratap Singh, the police continued to harass the family for some time, holding Bagicha Singh's father and brothers in illegal custody and releasing them only after getting bribes.

96. Under serial no. 240/188, the list shows one cremation on 18 March 1991 that was carried out by the Beas police. There is no FIR no. or post-mortem report number. The cause of death is given as “police encounter”.

The committee's incident report form no. CCDP/01254 reveals the following information about this case. The main informant is the victim Satnam Singh's widow Randhir Kaur.

Satnam Singh, son of Jagtar Singh and Bachan Kaur, was a 30-year-old farmer from village Sadhpur, under Mehta police station in Amritsar district. However, he used to live at his mother's ancestral village Fattu Bheela, post office Babowal, under Kathu Nangal police station, because his grandparents did not have any male offspring. Satnam, a baptized Sikh, was married to Randhir Kaur and had two daughters and two sons. The eldest daughter Kulwant Kaur is now 24.

The youngest, Rajminder Kaur, is 18.

In 1989, some militants began to visit Satnam's farmhouse for shelter and food. Later, the police arrested some of them who, under torture, revealed Satnam's name. Satnam dodged the police when they raided his house. Several residents of his village had been arrested and tortured for similar reasons, and Satnam did not want to suffer the same fate. Eventually, he left home and went away to Delhi.

In early March 1991, the Majitha police arrested Satnam Singh from the Bangla Sahib Gurdwara at Delhi and brought him back to Punjab. He was interrogated at the Mall Mandi interrogation center and at Beas police station. The family members sent telegrams to higher authorities in the state informing them about Satnam's illegal arrest and interrogation. He was later produced before a court for cases registered against him under TADA.

On 19 March 1991, several newspapers in Punjab published a statement issued by SSP Paramjit Singh Gill of Majitha police district claiming that a group of militants attacked the police convoy that was taking Satnam Singh and another militant to Sathiala village to recover their weapons, provoking an encounter in which Satnam Singh was killed. The police disposed of the body without informing the family.

97 - 98. Under serial nos. 560/314 and 561/315, the list shows two cremations on 5 January 1993 that were carried out by Kathunangal police under FIR no. 2/93. There are no post-mortem report numbers. The cause of death is given as "police encounter".

The committee's incident report form no. CCDP/01255 reveals the following facts in this case. The main informant in this case is Avtar Singh's cousin Paramjit Kaur.

Twenty-year-old Avtar Singh, son of Joginder Singh and Preetam Kaur, from village Sehzada, under Kathu Nangal police station, in Amritsar district, was a *Mazhabi* Sikh laborer who worked at Dana Mandi, a grain market, Bhagatan Wali, in Amritsar. He was unmarried. Avtar's father had died when he was very young. Although he managed to finish his school, Avtar could not find any job and had to become, along with his brother, a laborer for his livelihood. He had no political links.

In October 1992, the Kathu Nangal police raided his village home to arrest Avtar Singh. Avtar, who was in Amritsar at that time, feared the police and did not return home after the raid. In the night of 1 January 1993, a joint force of the Kathu Nangal police and the CRPF arrested Avtar from the Dana Mandi at Amritsar. A large number of his fellow workers and others in the area, including his uncle Surjit Singh, witnessed his arrest. When the family members went to Kathu Nangal police station to inquire about Avtar, the police told them he was under interrogation at the Mall Mandi interrogation center.

The newspapers of 6 January 1993 published a report about an encounter near village Sehzada in which the police claimed to have killed two militants, Avtar Singh Tari and Sarabjit Singh. The police cremated the bodies without informing the family. Although the newspaper reports carried the names of the killed militants, showing that their identities were clearly established, the Kathunagal police cremated the bodies on 5 January 1993 at the Durgiana Mandir cremation ground as unidentified and unclaimed.

Surjit Singh, Avtar's uncle, collected his ashes from the Durgiana Mandir

cremation ground. Since he also worked at the Dana Mandi in Amritsar, he had witnessed Avtar's arrest.

99. Under serial no. 534/854, the list shows one cremation on 25 September 1992 carried out by SHO Harvinder Singh of Bikhwind police station under FIR no. 71/92. The post-mortem report number is KS-69/92. The cause of death is "firearm injuries".

The committee's incident report form no. CCDP/01269 reveals the following information about the case. The main informant is the victim's mother Harbans Kaur.

Sarwan Singh, son of Gurmej Singh and Harbans Kaur, was a 25-year-old *Mazhabi* Sikh farm worker from village Sargara, post office Preet Nagar, under Lopoke police station, in Ajnala sub-division of Amritsar district. He was married to Amarjit Kaur, who has since remarried, and was the father of a daughter Sukhwant Kaur.

During the February 1992 elections to the Punjab legislative assembly, Sarwan was recruited as a body-guard for a candidate Joginder Singh of Bhullar village who belonged to the Bahujan Samaj Party and was also the head of his village council. After the elections, the police registered a complaint against Sarwan Singh alleging that he absconded along with the rifle that had been issued to him as Joginder Singh's body-guard. The police arrested his family members, including his mother and wife, and interrogated them for information about his whereabouts.

On 24 September 1992, the police arrested Sarwan Singh near the Chheharta Sugar Mill and killed him the same night in a fake encounter near village Bhikhiwind along with two other unidentified persons. Two Punjabi newspapers, *Ajit* and *Jagbani*, identified Sarwan Singh by his name and the village of his residence in a report published on September 26. The other two were described as unidentified militants. The police carried out the cremations without informing the family members.

The CBI's list of identified cremations, Under serial no. 230/855, mentions the cremation of Surjit Singh, son of Sajan Singh of Khalra village, carried out by the Bhikhiwind police on 25 September 1992 under the same FIR no. 71/92.

100. Under serial no. 428/265, the list shows one cremation on 24 June 1993 carried out by the Mehta police under FIR no. 69/92. The post-mortem report number is marked as GM/341/92. The cause of death is given as "police encounter".

The committee's incident report form nos. CCDP/01288 and 01289 reveal the following facts in this case. The main informant is the victim's brother Kulwinder Singh.

Thirty-six-year-old Harjinder Singh, son of Moola Singh and Gurmej Kaur, was a prominent leader of the Sikh Students Federation and resident of village Khabbe Rajputan, under Mehta police station, in Baba Bakala sub-division of Amritsar district. He was married to Kulwinder Kaur and had a six-month-old daughter Mansimranjit Kaur.

In 1982, Harjinder, an Amritdhari Sikh student of the Khalsa College at Amritsar, became an active member of the Sikh Students Federation and began to associate with Jarnail Singh Bhindranwale, Amrik Singh, then president of the Federation, and Harminder Singh Sandhu, its general secretary. Harjinder was under arrest when the

June 1984 military operation occurred and he completed his M. A. degree by appearing for examination as a prisoner.

The political developments in the state after June 1984 increased his sympathies with the Sikh militant resistance and, in 1990, he went underground after forming an armed organization called “Khalistan National Army”. For the next two years, his family members suffered enormously under police harassment, illegal detention for prolonged periods and torture under interrogation. His wife’s family, living in Gobindgarh Mohalla of Jalandhar city, were also not spared. Kulwinder Kaur, a teacher in a primary school, was forced to quit her job. But Harjinder and his wife Kulwinder Kaur managed to live anonymously in a rented house in Jalandhar since 1990.

In the last week of March 1992, SHO Surjit Singh of Mehta police station raided Harjinder’s village house and took his brother Kulwinder, and his maternal uncles, Jagga Singh and Gurmukh Singh, into illegal custody. Under torture, the SHO forced them to reveal the residential address of Kulwinder Kaur’s parents’ house in Jalandhar and arrested her father Jagir Singh and their daughters. The police tortured them and forced them to reveal the residential address of Harjinder Singh. In a midnight swoop, led by SSP Paramjit Singh Gill and SHO Surjit Singh of Mehta police station, the police arrested Harjinder Singh and his wife on 5 April 1992. Their six-month-old daughter was handed over to Kulwinder Kaur’s sister.

Harjinder’s father Moola Singh and a number of other relatives were already in illegal police custody. Some of them were detained at Amritsar’s Mall Mandi interrogation center and other at the Beas Police Station.

Harjinder and his wife were killed in an encounter staged by the Mehta police on 23 June 1992. However, the CBI’s list of unidentified cremations, Under serial no. 428/265, shows only one cremation on 24 June 1992, carried out by the Mehta police under the FIR no. 69/92.

The police released Harjinder’s father, his father-in-law and other relatives, 20 days after Harjinder’s arrest. They released his brother Kulwinder three days after the alleged encounter. His parents had to pay a huge amount of money to SHO Surjit Singh to save Kulwinder Singh’s life.

101 – 103. Under serial nos. 161/123, 162/124, and 163/125, the list shows three cremations on 27 July 1990 and were carried out by SHO Malhar Singh of Mehta police station under FIR no. 87/90. There are no post-mortem report numbers. The cause of death is given as “police encounter”.

The committee’s incident report form no. CCDP/01294 reveals the following information about these cases. The main informant in the case is Harjit Singh’s father Harbhajan Singh.

Twenty-four-year-old Harjit Singh, son of Harbhajan Singh, resident of Bhoha village, post office Mattewal, in Baba Bakala sub-division of Amritsar district, was the owner of a private taxi. He had no political background and had never been arrested or interrogated. Harjit was unmarried.

On 26 July 1990, two armed militants kidnapped Harjit from his residence and forced him to drive them in his car. The same group of militants later kidnapped Kashmir Singh from his residence in East Mohan Nagar of Amritsar city and then compelled Harjit to drive towards Jhabbal. A CRPF patrolling vehicle intercepted the

car at the Khazana Gate in Amritsar. Both Harjit and Kashmir Singh started shouting for help even as the militants tried to escape. The CRPF patrol started firing with a light machine gun mounted on their jeep and killed both the militants and also Kashmir Singh and Harjit Singh. The incident was witnessed by a large number of local residents.

DGP K. P. S. Gill issued a press statement incorrectly identifying the kidnapped person as Gurbachan Singh and claiming that all others were militants who the police had killed after a fierce encounter. The statement was published in all the newspapers in Punjab.

The police carried out Harjit's cremation without informing the family. The lists of identified and partially identified cremations do not show the cremation of Kashmir Singh, identified in the newspaper report as Gurbachan Singh. Hence, it is impossible to say whether or not the three cremations carried out by the Mehta police on 27 July 1990 are connected with this case.

104 – 109. Under serial nos. 186/145, 187/146, 188/147, 189/148, 190/149, and 191/150, the list shows six cremations on 18 November 1990 carried out by SHO Wasan Singh of Ram Das police station under FIR no. 92/90. There are no post-mortem report numbers. The cause of death is given as “police encounter”.

The CCDP's incident report form no. CCDP/01298 reveals the following information. The main informant is Sukhdev Singh's father Joginder Singh.

Twenty-six-year-old Sukhdev Singh alias Sukha, son of Joginder Singh and Dalbir Kaur, from village Sawazpur [Harsha Chheena], under Raja Sansi police station, in Ajnala sub-division of Amritsar district, was a cousin of known militant Satnam Singh Satta. Sukhdev was unmarried.

Sukhdev as well as several other members of his family, used to face brutal police atrocities because of their relationship to Satnam Singh. Satnam was finally killed on 24 November 1993. Sukhdev had no connection with the militant movement. However, when a group of CRPF officers camped at the Kukaran Wali Post illegally detained and tortured his mother Dalbir Kaur and his aunt Harbans Kaur, Sukhdev decided to take revenge and joined the ranks of militants.

On 17 November 1990, Sukhdev Singh and five of his associates were surrounded by a strong police force at village Gore Nangal when they were bathing under a tube-well. The police killed all of them in the encounter that followed. According to Joginder Singh, the police carried out the cremations without informing the families although the identities of the slain militants were established. Joginder Singh identified the remaining five persons killed in the encounter as: Kuldeep Singh, resident of Bhakna; Sewa Singh, resident of Cheema Kalan; Surinder Singh Toti, son of Darshan Singh, resident of Baath; Ajit Singh, resident of Charpur under Ramdas police station; and Swaran Singh Mandrawala under Ramdas police station.

110 – 121. Under serial nos. 6/6, 7/7, 8/8, 9/9, 10/10, 11/11, 12/12, 13/13, 14/14, 15/15, 16/16, and 17/17, the list shows 12 cremations carried out by Amritsar's Sadar police station on 5 June 1984. There are no FIR numbers. The post-mortem report numbers are listed as not applicable. The cause of death is given as “bullet injuries”.

The committee's incident report form no. CCDP/01302 reveals the following information about these cases. The main informant is Ranjit Singh's father Dharam Singh.

Twenty-two-year-old Ranjit Singh, son of Dharam Singh and Harbans Kaur, was a resident of Sawazpur (Harsha Cheena), under Raja Sansi police station, in Amritsar district. He was unmarried and worked as a farmer. Ranjit Singh was an Amritdhari Sikh. He had courted arrest along with several '*jathas*' (groups) during the Dharam Yudh Morcha, or political agitation led by the Akali Dal in 1982. After the army attack on the Golden Temple of Amritsar in June 1984, Ranjit Singh, like most other Sikhs, was seething with anger. He collected his friends and formed a *jatha*.

On 5 June 1984, all of them marched towards the Golden Temple at Amritsar. The group consisted of thousands of people. The army opened fire on the *jatha* at village Hayer-Kambo on Amritsar-Ajnala road. According to estimates, the army killed 50 to 60 *jatha* members and injured several others. Ranjit Singh was one of those killed. Four other people of the same village, Pooran Singh, Karnail Singh, Jagir Singh and an unidentified woman, were also killed in this incident. After the formation of the government of chief minister Surjit S. Barnala, Ranjit Singh's family was paid Rs.100,000 as compensation. The body of Ranjit Singh was not handed over to his family. It must have been cremated by the army.

This incident was witnessed by thousands of people, including those from Ranjit Singh's own village. No FIR was filed. The incident was not reported in any newspaper and no police officers approached the family. Five of Ranjit's relatives were killed by the police in later incidents.

122. Under serial no. 192/260, the list shows one cremation carried out by SHO Gurmeet Singh of Civil Lines police station on 29 January 1992. There is no FIR no. The post-mortem report is marked as SPG-FM/248/92. The cause of death is given as "police encounter".

The committee's incident report form no. CCDP/01312 reveals the following information about the case. The main informant is the victim's mother Darshan Kaur.

Twenty-four-year-old Gurvel Singh, son of late Jagir Singh and Darshan Kaur, was an Amritdhari Sikh resident of village Boharwala, post office Mohan Bhandarian, under Ramdas police station, in Ajnala sub-division of Amritsar district. Gurvel lived with his widowed mother and siblings; his father had died when Gurvel was still very young.

When he was studying in class VIII, Gurvel Singh's right hand got amputated when it got caught in a fodder-shredding machine. He then abandoned his studies and started earning his livelihood by working as a *paathi*, reciting Gurbani from the *Sri Guru Granth Sahib*, usually for a fee. He took a keen interest in religious affairs and was inclined towards the militant and political movement in Punjab at the time.

In 1989-90, the police raided Gurvel Singh's house in an attempt to arrest him. As a result, Gurvel Singh started staying away from home, sneaking back when he could. Whenever the police received information about his visits, they would harass his family members. The police would pick up family members, particularly his brother, Ravel Singh. This continued till Gurvel Singh's arrest in 1992.

On 25 January 1992, the police of B Division of the city of Amritsar arrested Gurvel Singh, as he came out of the Gurdwara Shaheedan. A colleague of Gurvel

Singh's informed his family of the incident on the same day. The following morning on January 26, Gurvel Singh's family and the Panchayat went to the B Division police station in Amritsar. Some of these people, specifically a policeman, an uncle, a villager, and a cousin-brother of Gurvel, managed to meet Gurvel Singh in the police station. Gurvel Singh had been tortured. The family and other villagers met the SHO, Charan Dass, who told them that several people had been taken into custody, on the basis of suspicion, around Republic Day on January 26, but that they would release Gurvel Singh soon.

The family was told that Gurvel Singh was being shifted to BR Model School interrogation center, Amritsar. The police took him away in the presence of family members, including his mother Darshan Kaur, who saw her son sitting in the police vehicle.

On 30 January 1992, the Punjabi daily *Ajit* reported that a "B" category militant named Gurvel Singh alias Galla, belonging to Bhindranwala Tigers Force (Sangha), was killed in Ranjit Avenue area in an encounter with the police, but that his accomplice escaped. The police, according to this report, accused Gurvel Singh of 20 murders and several cases of bombing and kidnapping. Arpit Shukla, SP (detective), has been quoted as saying that a naka party was fired upon by two militants on a motor cycle. Gurvel Singh was killed in the return fire. A 30-bore pistol was recovered from the site.

After reading this news, the family demanded proof, such as clothes, from the police station B Division. The police neither gave the family the body, nor informed the family of the cremation. The police told them that they could collect Gurvel Singh's ashes from the cremation ground at Durgiana Mandir, Amritsar, which the family did.

123 – 125. Under serial nos. 246/373, 247/374, and 248/375, the list shows three cremations on 4 April 1993. There is no description of the police station or officer who carried out the cremation. There is no FIR no. or post-mortem report number. The cause of death is given as "police encounter".

The committee's incident report form no. CCDP/01319 reveals the following information. The main informant in the case is the victim's father Baldev Singh.

Twenty-seven-year-old Amarjit Singh alias Bitta, son of Baldev Singh and Kirpal Kaur, was a milk vendor resident of Verka, Patti Hardas, under Amritsar's Sadar police station, in Amritsar district. Baldev Singh, an ex-serviceman, had joined Punjab Roadways as a driver after his retirement from the army. He had bought buffaloes for his son and Amarjit Singh would also buy milk from other people to sell.

During the period of militancy in Punjab, the police arrested and brutally tortured Amarjit Singh several times on the suspicion that he had links with militants. This continued until Amarjit decided to leave home. After Amarjit Singh absconded, the police illegally detained his father and other relatives. They would hold Baldev Singh for months, often torturing and coercing him to disclose his son's whereabouts. The family, however, told them that they were not in touch with Amarjit.

In March 1993, Baldev Singh was arrested and detained at BR Model School interrogation center in Amritsar, while Kirpal Kaur was arrested and detained at the Police post Verka. In March 1993, an accomplice of Amarjit Singh, who had earlier

been involved with militant activities, surrendered to the police. This accomplice gave information on the basis of which ASI Dilbagh Singh, incharge of Verka police post, arrested Amarjit Singh in Hoshiarpur on 25 or 26 March 1993 and brought him to the interrogation center in Amritsar. Baldev Singh was already in police custody there and Amarjit Singh was detained with his father there till 3 p.m. on 2 April 1993.

In the afternoon of 2 April 1993, Amarjit Singh, and two other unidentified young men, were taken from B.R. Model School, by the police and killed in a fake encounter near the village of Verka, on the footpath leading to the village of Hothian. Several days later, Amritsar's Sadar police registered a case under the Arms Act against Baldev Singh and sent him to jail.

On 3 April 1993, newspapers in Punjab, including the daily *Jagbani*, reported the killing of three militants - one of whom was identified as Amarjit Singh Bitta, resident of village Verka. The accomplices were unidentified at the time of the report. Two other militants apparently escaped from the encounter. According to the report, Amarjit Singh was an area commander of Khalistan Liberation Organisation and was the main accused in a bank robbery at the Punjab and Sindh Bank on 25 February 1993. He was apparently wanted in 50 cases of murder and bomb blasts in the districts of Gurdaspur, Amritsar, Tarn Taran and Majitha.

The newspaper also reported SP (detective) Amritsar, Arpit Shukla, as saying that the police had received secret information about militants of the Khalistan Liberation Organisation (KLO) being active in the area in and near Verka. Chaman Lal, in-charge CIA Staff, and Dilbagh Singh, SHO Verka police station, set up a checkpoint on the unpaved path between the villages of Verka and Hothian. At 4 a.m, the checkpoint party spotted five suspicious people in a motor vehicle. On being signaled to stop, the people took positions and opened fire. The police party returned fire. This exchange of fire continued for an hour. After the militants stopped firing, the police found three bullet-ridden bodies. They also found an AK-56 assault rifle, a rocket launcher, two rockets, 150 cartridges; a 303 bore rifle and letter pads of the KLO.

The police did not give Amarjit Singh's body to the family, nor did they ask the family to attend the cremation.

According to family members, the two unidentified young men belonged to Gurdaspur district but were living in Verka at that time. They were labourers in factories. Their names were not known.

Harjinder Kaur, mother of Amarjit Singh, died in 1997. She had been ill and bed-ridden ever since her son died.



Amarjit Singh

126. Under serial no. 425/264, the list shows one cremation carried out by Kathunangal police on 21 June 1992. There is no FIR number. The post-mortem report number is given as RKG/FM/70/92. The cause of death is listed as "police encounter".

The CCDP's incident report form no. CCDP/01324 reveals the following facts in

this case. The main informant is the victim's father Naajar Singh Dodhi.

Eighteen-year-old Rachhpal Singh, the youngest son of Naajar Singh and Sawinder Kaur, was a farmer resident of village Sohian Khurd, under Majitha police station, in sub-division and district Amritsar. He had studied till class VIII. He was an Amritdhari Sikh.

Rachhpal Singh was keenly interested in the political and militant movement and had links with the youth involved since 1987. When the police became aware of his activities, they registered a case against him and sent Rachhpal to jail. However he was acquitted and released in those cases after about two years. A cousin, Jaspal Singh s/o Kundan Singh, had also been arrested and was released at the same time as Rachhpal.

Some time later another case was registered against both Rachhpal and Jaspal, and both were sent to jail. Rachhpal was released on bail a year later. Even after his release on bail, the police would raid his house to arrest him. Thus, Rachhpal left home. As a result, the police harassed his family even though his kin did not know anything about Rachhpal's activities.

In the first week of May 1992, Satnam Singh s/o Sher Singh, a *Mazhabi* Sikh, and another boy, also a resident of Sohian Khurd, were arrested by the police, when they were visiting their families to help with the harvesting of wheat crop. According to family members, Rachhpal and two other young men were arrested at Jammu by the Majitha police and brought back on the instance of Satnam Singh.

In May 1992, a newspaper reported that seven militants from Punjab had been arrested near the border at Jammu. The family did not know then that Rachhpal was among those arrested. Of the seven, three were brought back by the Majitha police, while the other four were sent to Jammu jail by the Jammu police who had registered cases against them. Rachhpal's family says that they were not aware if the Jammu police had registered cases against Rachhpal and the other two young men before they were brought back by the Punjab police.

As far as the family was aware, a young man named Charanjit Singh Channa resident of village Kalla, was arrested and brought back from Jammu and subsequently killed in an encounter along with another youth Satnam Singh. The Majitha police show Rachhpal Singh as having been killed in an encounter on 21 June 1992. Rachhpal's family learnt of the encounter from a newspaper but do not remember where the encounter allegedly occurred. They also do not remember if anyone else is supposed to have been killed in the same encounter.

Rachhpal's family was so scared that they did not ask the police about his body or cremation. Nor were they given any information about his killing or cremation. Even today they remain terrified. The CCDP's investigation team was able to get information from the family only on a third visit.

Rachhpal's cousin Jaspal Singh, s/o Kundan Singh, resident of Sohian Khurd was also killed in an encounter with the police near village Fatehgarh Shukar Chack under police station Sadar in 1992.

127 - 128. Under serial nos. 546/309 and 547/310, the list shows two cremations carried out by Jhander police on 3 December 1992. There is no FIR number. Only the second cremation has a post-mortem report marked as RKG/FM/10792. The cause of death is given as "police encounter".

The committee's incident report form no. CCDP/01326 reveals the following facts. The main informant is Baba Sewa Singh's brother Kulwant Singh.

Baba Sewa Singh, son of late Kartar Singh and late Preetam Kaur, was a Mistri Sikh from village Boparai, post office Nawan Tanail, under Mattewal-Chogawan police station, in Baba Bakala sub-division of Amritsar district. He was qualified in religious education and had been the chief manager of Gurdwara Ber Sahib since 1980-81. Gurdwara Ber Sahib had been constructed in the memory of the sixth guru, Guru Hargobind, and was located on the Amritsar - Chowk Mehta Road in the area of village Boparai. Sewa Singh also looked after the management of a school run under the aegis of the gurdwara. The people of several villages in the area also revered Sewa Singh.

Sewa Singh was a supporter of the political struggle launched in 1982 by the Shiromani Akali Dal in support of the demands of the Sikhs. However Sewa Singh spent most of his time in *kar sewa*, (voluntary manual labour), for the restoration and maintenance of the gurdwara building, and in managing affairs of the gurdwara and the school. The school in the gurdwara had about 3,000 students.

At the time of the army attack on the Golden Temple, in June 1984, the army detained Sewa Singh and held him in their custody. During the era of militancy, the Mehta police had once arrested Sewa Singh, alleging that he gave shelter to militants in the gurdwara. However, Sikh tenets advocate that gurdwaras must be open to everyone and no one can be barred from entering them. The Mehta police then registered a false case against him under the Arms Act and sent him to jail. After his arrest he was sent to Mall Mandi interrogation center, Amritsar, where the police brutally tortured him. The police searched Gurdwara Ber Sahib many times but they did not recover anything objectionable. He was released on bail after several months.

On 2 December 1992, Sewadar Sajjan Singh and driver Prakash Singh, resident of Bulara were going in a jeep belonging to the gurudwara, to drop a renowned militant, Balwinder Singh Minni, resident of Diwali, to the Amritsar railway station when the police stopped them. Once surrounded, Balwinder Singh committed suicide by consuming cyanide. Sajjan Singh and Prakash Singh were taken into police custody.

That same day around 4 p.m. the police of Mehta and Mattewal-Chogawan police station surrounded Gurdwara Ber Sahib. Inspector Uham Singh, SHO of Mattewal-Chogawan police station, and Sarbjit Singh, SHO of Mehta police station, led the police party. Nobody from the village was allowed to go near the gurdwara. People heard gun shots from 8 to 11 p.m. The next morning at sunrise, a rumour had spread that the police had shot dead Sewa Singh and *granthi* Gurmej Singh, resident of Sadhpur under police station Mattewal-Chogwan, Tehsil Baba Bakala, district Amritsar.

The panchayats of the area approached the Mehta and Mattewal police, demanding Sewa Singh's body, but the police refused. The panchayats then approached the SSP Majitha, who allowed the body of Sewa Singh to be cremated under police supervision at the cremation ground near Gurdwara Shaheedan. Family members, devotees and people of the area attended the cremation. The people of the village observe Sewa Singh's death anniversary every year.

In the newspapers dated 3 December 1992, the police claimed that a fierce encounter had taken place at Gurdwara Ber Sahib, during which they killed Sewa Singh. The police also claimed that they had recovered a large quantity of lethal weapons from the gurdwara.

The SHO of Jandiala Guru police station also arrested and killed Sewa Singh's nephew Gurdev Singh, s/o Harbans Singh and resident of Pakhoke, in a later incident.

129. Under serial no. 587/329, the list shows one cremation carried out on 19 March 1993 by the SHO of Beas police station under FIR no. 12/93. There is no post-mortem report number. The cause of death is given as "police encounter".

The committee's incident report form no. CCDDP/01336 reveals the following information. The main informant in this case is Sawinder Singh, the father of the victim.

Twenty-two-year-old Dilbagh Singh, son of Sawinder Singh and late Surjit Kaur, was a resident of village Khojkipur, Gill Patti, under Verowal police station, in Khadur Sahib sub-division of Amritsar district. He had completed his matriculation and worked as a constable in the Punjab Armed Police. Dilbagh was a clean-shaven young man, with no political background. He had never been arrested on the suspicion of links with militants.



Dilbagh Singh

After working for two years with the Punjab Armed Police, Dilbagh quit his job under the fear of militants who took reprisals against police officers and came home. His family advised him to rejoin the police and Dilbagh agreed. The Punjab Armed Police, however, did not reinstate him and Dilbagh filed a case in the Jalandhar Court for his reinstatement.

On 15 March 1993, Dilbagh and his wife had gone to visit his in-laws in village Budha Theh, near Beas. As he was leaving from there on 16 March 1993 to attend a hearing of his case at the court, the Beas police arrested him. After illegally detaining him for two days, the Beas police shot Dilbagh dead, along

with another young man named Satnam Singh s/o Mohinder Singh, resident of Jallapur Khara, in a fake encounter.

On 17 March, his family learnt about his arrest but they could not find out which police officer had arrested him. On inquiry, the SHO at Beas police station told them that Dilbagh was not in their custody. The family also inquired at Khalchian police station but could not get any information about Dilbagh's whereabouts.

On 20 March 1993, *the Tribune* reported that an area commander of KCF-Panjwar, Satnam Singh ("Satta"), son of Mohinder Singh, resident of village Jallapur Khara, and his unidentified accomplice were shot in an encounter near Tong village in Majitha police district late night on March 19. The police said that Satta was responsible for several killings. The police allegedly recovered two AK-47 rifles, a Mauser, two HE-36 hand grenades and eight letter pads of the militant organisation from the site of the encounter.

Dilbagh Singh's mother Surjit Kaur became chronically ill from the shock of the death of her son. She died in 1998, due to a brain hemorrhage.

The CBI's list of identified cremations shows the cremation of Satnam Singh Under serial no. 586/164, on the same date and under the same FIR no. 12/93. His summary is discussed in the relevant section there.

130. Under serial no. 300/471, the list shows one cremation carried out by Suba Singh of Jhabbal police station on 19 July 1991. There is no FIR no. The post-mortem report number is GSD-31/91. The cause of death is given as “fire arm injuries”.

The committee’s incident report form no. CCDP/01400 reveals the following information. The main informant in the case is the victim’s cousin-brother Balwinder Singh.

Twenty-four-year-old Sarabjit Singh, son of Gurdeep Singh and Amar Kaur, was a young farmer from village Panjwar Kalan, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. Sarabjit, an Amritdhari Sikh, was unmarried. After completing his school education, Sarabjit started helping his father in the agricultural work. He had also trained himself as a *paathi*, reader of the scriptures, and used to take part in the religious ceremonies requiring the recital of the *Guru Granth Sahib*, the main Sikh scriptures. The police became suspicious of his political attitudes because of his noticeable religiosity and, in 1991, started arresting him for interrogation under torture. Unable to endure the custodial excesses, Sarabjit started dodging the police and living away from home. Tarn Taran police then started harassing his family members.

Around 3 a.m. on 19 July 1991, a large police force led by the SSP of Tarn Taran police district, cordoned off the village for a combing operation. All male residents of the village were ordered to assemble in an open space and identify themselves. Sarabjit was not there. The police then started a house to house search and found Sarabjit in the house of one Massa Singh, doing a recitation of the *Guru Granth Sahib*. Sarabjit was dragged away to the building of the village dispensary and brutally tortured. At 4 a.m. the police force left the village with Sarabjit in their custody.

A few hours later, Sarabjit’s brother Avtar Singh and his cousin Balwinder Singh went to Jhabbal police station. Sarabjit, covered in a sheet of cloth, lay in the verandah and his condition seemed very critical. Avtar Singh and Balwinder Singh, however, could not meet SHO Suba Singh because he was not available at the police station. The next morning, SHO Suba Singh told them that Sarabjit had been transferred for further interrogation to the CIA staff office at Tarn Taran. This was a lie. Sarabjit had already been killed and cremated. On 20 July 1991, two Punjabi newspapers, *Ajit* and *Jagbani*, reported the killing of an unidentified militant in an encounter near village Jagatpur. This was confirmed by inspector Major Singh of the CIA staff at Tarn Taran when the family members finally managed to meet him three days later. Major Singh also told them to collect Sarabjit’s ashes from Tarn Taran cremation ground.

According to Balwinder Singh, they were unable to take any legal action because of the police terror.

131 – 132. Under serial nos. 305/478 and 396/479, the list shows two cremations on 30 July 1991 carried out by Suba Singh of Jhabbal police station under FIR no. 104/91. The post-mortem report numbers are MSJ-42/91 and MSJ-43/91. The cause of death is given as “fire arm injuries”.

The committee’s incident report form no. CCDP/01402 reveals the following information. The main informant is the victim’s widow Shanti.

Forty-five-year-old Jeet, a migrant Hindu agricultural worker from Uttar Pradesh,

had for several years been living in village Panjwar Khurd, post office Panjwar, Mazhabian Di Thathi, under Jhabbal police station, in Tarn Taran sub-division of Amritsar. He was married to Shanti and had a daughter, Jasbir, who is now 21.

In 1987, Jeet found employment on the agricultural farm belonging to the family of Paramjit Singh Panjwar, a well-known militant. The police used to raid Paramjit's house regularly. But Jeet had no connection with the matter and he was not harassed.

One day in the third week of July 1991, the Jhabbal police led by SHO Suba Singh raided Jeet's house in the village and took him into custody in the presence of his wife and daughter. The following day, the police took Jeet to Paramjit Singh's Panjwar's house and thoroughly searched it in his presence. According to Shanti, her husband was killed in an encounter faked at Bhojjan village along with another boy of her village belonging to a Sansi Sikh family. A report published in some newspapers the following day described both of them as unidentified militants. The police carried out the cremation without informing Shanti who had no other relative in the village and could not do anything to save her husband.

133 – 134. Under serial nos. 294/465 and 295/466, the list shows two cremations on 16 July 1991. They were carried out by SHO Major Singh of Tarn Taran's Sadar police station mentioned under FIR no. 94/91. The post-mortem report numbers for both entries is listed as 16.7.91. The cause of death is given as "police encounter".

The CCDP's incident report form no. CCDP/01431 reveals the following information about this case. The main informant is the victim's mother Charan Kaur.

Sixteen-year-old Sarabjit Singh, son of Dalip Singh and Charan Kaur, was a resident of Lalpura village under Sadar police station, in Tarn Taran sub-division of Amritsar district. Sarabjit's father had passed away while he was still young and he had to give up school to assist his older brother in managing the family farm. Sarabjit had no links with the militant movement in Punjab. The police had never arrested him, either.

On 11 July 1991, Sarabjit and his friend Gurdial Singh Mintu, son of Mohinder Singh, resident of the same village, went to the gurdwara at Tarn Taran to offer prayers but did not return home. The Tarn Taran police had arrested several other young men of the village for routine interrogation and they had seen Sarabjit and Gurdial at Tarn Taran police station. According to them, the police were interrogating them about the whereabouts of Gurdial's cousin Gurbhej Singh, suspected of being a militant. However, when members of the village council met the SHO to request him to release the boys, he denied arresting the two.

Sarabjit and Gurdial were declared to be unidentified militants killed in an encounter staged by Tarn Taran police on 15 July 1991. The family was not informed about the cremations. However, the police handed over their ashes to the family members.

135. Under serial no. 288/458, the list shows one cremation on 14 July 1991 carried out ASI Raj Kumar of Goindwal police station under FIR no. 32/91. The post-mortem report number is GSD-28/91. The cause of death is given as "fire arm injuries".

The committee's incident report form no. CCDP/01432 reveals the following information. The main informant in the case is Mohinder Singh, the victim's father.

Thirty-five-year-old Harbhajan Singh, son of Mohinder Singh and Joginder Kaur, from Lalpura village under Sadar police station, in Tarn Taran sub-division of Amritsar district, was a driver of the Akal Takht's head jathedar Professor Darshan Singh Ragi in 1991. He was formally employed by the SGPC. Sarabjit was married to Satwant Kaur and had a daughter and a son, Mandeep Kaur and Manjit Singh, who are now 15 and 13. According to Mohinder Singh, Harbhajan had no links with militants.

In July 1991, Professor Darshan Singh was on a tour abroad and Harbhajan was relatively free of work. He used to report to the SGPC's office within the Golden Temple complex to mark his attendance and return home if there was no work for him.

On 13 July 1991, around 7 p.m. Harbhajan was on his way to village Vein Puin in an Ambassador car belonging to Heera Singh of Vein Puin village, which he had borrowed from him the previous day. As he turned off the main road to enter the village, some CRPF personnel, who had set up a checkpoint, fired at his car probably suspecting him to be a terrorist. A bullet hit Harbhajan in the head and he collapsed on his steering wheel after managing to break the car. He was dead. His car horn kept blaring for some time even as the CRPF men continued firing towards the car.

Harbhajan was carrying his identity card issued by the SGPC as well as his driving license. However, the CRPF declared him to be an unidentified militant and, after a quick post-mortem, had him cremated by Goindwal police on 14 July 1991 without informing the family. Several newspapers published a report on 15 July 1991, based on a police handout, about the killing of an unidentified militant near village Vein Puin in the evening of 14 July 1991.

Harbhajan's family members heard about his killing on 15 July 1991 from a member of the SGPC and then went to village Vein Puin and Goindwal police station to confirm it. Next, they went to the cremation ground at Tarn Taran where an attendant showed them the pyre on which Harbhajan had been burnt by Goindwal police. In the ashes, Mohinder Singh, Harbhajan's father, found Harbhajan's steel bangle, which he used to wear on his right hand wrist.

136 – 137. Under serial nos. 422/652 and 423/653, the list shows two cremations on 10 April 1992 carried out by SHO Balqar Singh of Tarn Taran's Sadar police station under FIR no. 26/92. The post-mortem report numbers are PS-10/92 and PS-11/92. The cause of death is given as "fire arm injuries".

The committee's incident report form no. CCDP/01434 gives the following information about these cases. The main informant is the victim's brother Harjinder Singh.

Balwinder Singh alias Binder, son of late Bagga Singh and late Swaran Kaur, was from village Lalpura, near Raja Ram, under Tarn Taran's Sadar police station, in Tarn Taran sub-division of Amritsar district. He had an older brother and three sisters. After passing his matriculation, Balwinder worked as a farmer. He did not have a political or militant background and had never been arrested by the police.

On 10 April 1992, Balwinder Singh, militant Harbhej Singh, son of Joginder Singh, and Harbhej's cousin-brother Mukhtiar Singh, son of Nandir Singh and resident of Kadd Gill, were ploughing a piece of land which was a bone of contention between Harbhej's family and another. The police surrounded them from all sides and shot them dead. At about 3 p.m. the police carried the bodies away.

On 11 April 1992, newspapers reported that the Tarn Taran police had killed five

militants in an encounter between villages Varana and Dhotian. The articles identified two of the dead as Gurbhej Singh Bheja and Ranjodh Singh Jodha. The police had declared Balwinder Singh and Mukhtiar Singh as unidentified even though villagers identified the dead to the police.

The CBI's list of identified cremations accounts for the body of Harbhej Singh Under serial no. 167/651 and the same FIR no. 26/92. His cremation was also carried out by Balqar Singh of Tarn Taran's Sadar police station. His post-mortem report number is 9/92 and the cause of death is given as "police encounter". The bodies of Balwinder and Mukhtiar Singh are represented by these two records in the unidentified CBI list. What happened to the bodies of Ranjodh Singh Jodha and the other unidentified militant allegedly killed in the encounter remains a mystery.

138 – 139. Under serial nos. 617/1059, 618/1060, and 619/1061, the list shows three cremations on 18 August 1993 carried out by SHO Govinder Singh of Patti police station under FIR no. 57/93. All three post-mortem report numbers are given as 18.8.93. The cause of death is "police encounter".

The committee's incident report form no. CCDD/01435 reveals the following information about these cases. The main informant is Dalbir Singh's father Dara Singh.

Dalbir Singh alias Billu, son of Dara Singh and Amar Kaur, was an 18-year-old *Mazhabi* Sikh laborer from Lalpura village, Mazhabian Di Thathi, under Sadar police station, in Tarn Taran sub-division of Amritsar district. He was the youngest of Dara Singh's three sons and had, in 1991 while still in school, begun to take interest in the militant movement then raging in Punjab. Dara Singh came to know about his son's inclinations and, in his bid to keep him from getting involved, forced him to leave school and sent him to his maternal uncle Lakha Singh in Malkana village in Ganganagar district of Rajasthan. There, Dalbir Singh started working as a laborer.

Around September 1993, a group of police officers from Fatiabad police post under Verowal police station, led by sub-inspector Chand Singh, raided Dara Singh's house and took his elder son Swaran Singh into custody for interrogation. The police illegally detained and tortured Swaran Singh at Fatiabad police post for 12 days to pressure him to reveal Dalbir's whereabouts. After learning that Dalbir was living with his maternal uncle at Malkana village in Ganganagar district of Rajasthan, the Fatiabad police arrested his uncle Shingara Singh and his sister-in-law Pasho and together, with all of them, raided Lakha Singh's house in Malkana village. Dalbir, however, was not at home. Lakha Singh told the police officers that Dalbir had moved to a rented flat in Freesar town where his parents, Dara Singh and Amar Kaur were also staying with him. The Fatiabad police then took Lakha Singh and his brothers along to raid Dalbir's rented house in Freesar town, and arrested him. The Fatiabad police returned to Tarn Taran along with Dalbir Singh, his brother, sister-in-law and uncle. At Naushehra Pannuan, the police officials asked Dalbir's three relatives to get off and drove away with Dalbir to some unknown destination.

Dara Singh and Amar Kaur came back to their village on their own and met sub-inspector Chand Singh of Fatiabad police post to implore him to save their son's life. Chand Singh said that Dalbir had escaped from their custody. It is not clear what happened to Dalbir Singh after the Fatiabad police arrested him and brought him back to Punjab.

According to Dara Singh, the police never came back to his house to ask him about Dalbir, as they had been doing before his arrest. They would have done so if he had, indeed, escaped from their custody as they claimed. We can only wonder if one of these cremations marks the end of Dalbir Singh's life.

140 – 141. Under serial nos. 360/547 and 361/548, the list shows two cremations on 8 October 1991 carried out by Major Singh of Tarn Taran's Sadar police station under FIR no. 123/91. The post-mortem report numbers are GSD-60/91 and 61/91. The cause of death is given as "police encounter".

The committee's incident report form nos. CCDP/01447 and 01448 reveal the following information. The main informants are Joginder Singh, Major Singh's uncle, and Sukhwinder Kaur, Gurdeep Singh's mother.

Twenty-year-old Major Singh, son of late Gurdial Singh and Channan Kaur, was one of five brothers in a family of Amritdhari Sikhs resident of Sakhira village, Patti Sangat Ki, under Sadar police station, in Tarn Taran sub-division of Amritsar district. The police suspected them of sympathizing with the militant movement and had arrested Major Singh and his brothers for interrogation on a number of occasions. The police especially targeted Major Singh and his two brothers, Sukhdev Singh and Harbhajan Singh, for harassment. Once, following several days of illegal custody and interrogation under torture, the police implicated Major Singh in a case under TADA. The court, however, released him on bail after some months. Major Singh was unmarried.

On 28 September 1991, Major Singh and his friend Gurdeep Singh, son of late Joginder Singh and Sukhwinder Kaur, had gone to village Valipur to attend a cattle-fair where they bought some pigeons. Gurdeep (18), employed as a truck driver, was clean-shaven. He was not particularly religious and had never been arrested or interrogated by the police. After attending the cattle-fair at Valipur, Major Singh and Gurdeep were on their way home when, around 1 p.m. SHO Major Singh of Tarn Taran's Sadar police station arrested them near village Valipur over a canal bridge. Their family members learnt about the arrests in the evening and met SHO Major Singh the following morning to request him to release the boys. The SHO admitted their custody and told the family that they would be released after their interrogation in a few days. A week later, the SHO started denying the arrest of the two boys and also refused to meet their parents.

When some elders of the village talked to the SHO confidentially, he told them that Major Singh and Gurdeep Singh had been killed in an "encounter" with the Tarn Taran police near village Daleke.

The Amritsar police later abducted Sukhdev Singha and Harbhajan Singh, brothers of Major Singh, and also disappeared them. Their parents have since moved their residence to a town in Uttar Pradesh.

142. Under serial no. 426/661, the list shows one cremation on 20 April 1992 carried out by the SHO of Tarn Taran's City police station under FIR no. 41/92. There is no post-mortem report number. The cause of death is given as "encounter".

The committee's incident report form no. CCDP/01450 reveals the following

information. The victim's father Joginder Singh is the main informant in this case.

Sixteen-year-old Ranga Singh, son of Joginder Kaur and Sant Kaur, was a resident of village Mughal Chack Pannuan, post office Sakhira, under Sadar police station, in Tarn Taran sub-division of Amritsar district. The youngest of three brothers, Ranga was a class X student and also worked as a *paathi*, reader of Sikh scripture, at Tarn Taran's historic gurdwara. His uncle Mohinder Singh, an employee of the SGPC, also worked at the shrine and had helped him obtain the coveted appointment. Ranga, a baptized Sikh, had no links with militants and had never been arrested before this incident.

On 13 April 1992, Ranga had gone to the shrine at Tarn Taran to perform his duty as a reader of the *Guru Granth Sahib*, and to take part in the celebrations marking the establishment of the Khalsa Sikh order by Guru Govind Singh 293 years ago in 1699. It was an important day in the Sikh religious calendar.

When Ranga finished his recital around 12 noon, some policemen in plainclothes caught him and took him outside the shrine where SHO Gurbachan Singh Manochahal of Tarn Taran's City police station along with a large number of policemen were waiting. Ranga was pushed into a police vehicle and taken away. His uncle Mohinder Singh, who was on his duty at the shrine, witnessed Ranga's arrest.

Later in the evening, Ranga's family members along with several members of the village council, met the SHO who promised to release the boy some days after his interrogation. The family members also met DSP Dilbagh Singh who also promised the same. However, Ranga was not released and 10 days after his arrest when the family members, along with village elders, again met the DSP, he disclosed that the boy had escaped from police custody. Gurchet Singh Bhullar, a locally influential Congress leader, then spoke to the SSP of Tarn Taran and informed the family that the police had already killed Ranga.

143. Under serial no. 461/744, the list shows one 4 July 1992 cremation carried out by Subha Singh of Valtaha police station under FIR no. 33/92. The post-mortem report number is KS-28/92. The cause of death is given as "fire arm injuries".

The committee's incident report form nos. CCDP/01455 and 01456 reveal the following information about this case. The main informant is Sukhwant's brother-in-law Nirmal Singh.

Sukhwant Singh, son of Mohan Singh and Darshan Kaur, was a 35-year-old farmer from Rangana Farm, post office Amb Wali, under Jujhana police station, in Karana sub-division of Muzaffar Nagar district in Uttar Pradesh. He was married to Joginder Kaur and had two sons Jagjit Singh and Bikramjit Singh, who are now 19 and 17.

Sukhwant was a permanent resident of Uttar Pradesh and had no political or militant connections in Punjab. However, his younger brother Kashmir Singh had once been arrested by the Haryana police and had later begun to live with his aunt at village Baghela in Nakodar sub-division of Jalandhar district. Jalandhar police, led by DSP Dharam Singh, arrested Kashmir Singh and his friend Rana, resident of Shankar Saheer village, in the last week of June 1987 when they were boarding a bus in village Rurka. Both of them were first interrogated at the CIA staff office in Jalandhar and then transferred to the headquarters of the 32 Battalion of the CRPF. Rana was

later released following an intervention by an influential local politician. Kashmir Singh's family was unable to know what happened to him after his transfer to the headquarters of the 32 Battalion of the CRPF. Izhar Alam was the SSP of Jalandhar at that time.

In the last week of June 1992, Sukhwant went to visit his sister Jaswant Kaur at village Jamastpur in Tarn Taran sub-division of Amritsar district. On 28 June 1992, the Patti and Valtoha police stations, together with the CRPF, launched a combing operation at village Jamastpur. All male residents of the village were assembled in an open space and those who could not establish their local residence, including Sukhwant, were taken into custody for interrogation. The police also arrested Mukhtiar Singh, son of Jarnail Singh, a *Mazhabi* Sikh, who worked on the agricultural farm belonging to Jaswant Kaur's husband Nirmal Singh, and Mohinder Singh, son of Meja Singh of Jamastpur village.

Over the next days, Nirmal Singh met the SHOs of Valtoha and Patti police stations, but could not obtain any information about his brother-in-law's whereabouts. The police released Mohinder Singh from illegal custody, but nothing could be ascertained about Sukhwant and Mukhtiar Singh. One month after his disappearance, Sukhwant's family members met the DSP of Patti who asked them to give up their efforts to trace him and to carry out his last rites, indirectly indicating that he had been killed.

Several weeks later, it became known that on 3 July 1992 the Valtoha police had killed five persons, including Mukhtiar Singh who was arrested along with Sukhwant, in an encounter staged in village Bahadar Nagar. One of the five killed in the encounter was cremated as an unidentified militant. The family suspects that he was Sukhwant Singh.

The CBI's identified list, Under serial nos. 198/740, 199/741, 200/742 and 201/743, records four other cremations carried out by Valtoha police on 4 July 1992 under the same FIR. They are of: [1] Jassa Singh, s/o Sudh Singh, r/o Lakhar Singh; [2] Bekar Singh, s/o Sajjan Singh, r/o Dhoot; [3] Jagtar Singh alias Jaggu, s/o Banta Singh, r/o Verowal; and [4] Mukhtiar Singh, s/o of Jarnail Singh, r/o Jamastpur.

According to Nirmal Singh, Sukhwant's father was unable to bear the enforced disappearance of both his sons and died due to grief and trauma three years later.

144. Under serial no. 232/183, the list shows one cremation on 28 February 1991 carried out by the SHO of Jandiala police station mentioned under FIR no. 59/91. The post-mortem report number is 224 28.2.1991. The cause of death is given as "police encounter".

The committee's incident report form no. CCDP/01469 reveals the following information. The main informant is the victim's father Bhajan Singh.

Thirty-year-old Satnam Singh alias Satta, son of Bhajan Singh and Nasib Kaur, was a small farmer resident of village Malmohari, post office Naurangabad, under Sadar police station, in Tarn Taran sub-division of Amritsar district. He was unmarried. Satnam had begun to sympathize with the political objectives of the Sikh militant struggle after June 1984. The police became suspicious and began to raid his house, arrest him and torture him in illegal custody. Fed up with this pattern of harassment, Satnam left home and went underground. The police then began to

torment his family members, picking up his parents and his sister, and torturing them in illegal custody for information.

On 30 February 1991, Satnam's family members read a report in two Punjabi newspapers, *Jagbani* and *Ajit*, claiming that the police had killed Satnam in an encounter near village Rajewal under Jandiala Guru police station. After reading the reports, Bhajan Singh went to Jandiala Guru police station where the police showed him the clothes Satnam was wearing. Bhajan Singh also talked to the doctor who had carried out the post-mortem to confirm that the person slain at Rajewal was indeed his son. He then went to Rajewal village whose residents narrated how the police had brought a young Sikh in their custody to stage an encounter on 27 February 1991.

According to Bhajan Singh, the police had used some renegade militants to nab him before killing him in a fake encounter at Rajewal.

145 - 146. Under serial nos. 554/904 and 555/905, the list shows two cremations on 7 November 1992 carried out by SI Sita Ram of Patti police station under FIR no. 67/92. The post-mortem report number given for the first entry is KS-96/92. The second post-mortem report number is not given. The cause of death is listed as "police encounter".

The committee's incident report form no. CCDP/01470 reveals the following information. The main informant in this case is Tarlok's elder brother Kulwant Singh.

Tarlok Singh (24), son of Jarnail Singh and Harbhajan Kaur, was an automobile mechanic from Chhapa village, post office Baghiari, under Jhabbal police station, in Tarn Taran sub-division of Amritsar district. He was married, but his widow has since returned to her parents. Tarlok had no connection with the militant movement in Punjab. However, his cousin Tarlochan Singh, son of Mangal Singh, was a member of the Sikh Students Federation. Harassed by the police, Tarlochan had left home to join the underground. Thereafter, the police harassed all of his family members, including Tarlok Singh. Tarlok's father Jarnail Singh was a member of the Communist Party of India (CPI).

On 1 November 1992, ASI Dalbir Singh, in-charge of the Sabhra police post, arrested Deedar Singh, son of Mangal Singh from Chhapa village. Deedar was Tarlochan Singh's brother. When his family members went to Jhabbal police station to pursue Deedar's case, SHO Sidhoo denied having him in his custody.

The same group of police officers from Sabhra police post raided Jarnail Singh's house in the morning of 3 November 1992, around 7 a.m. when Tarlok was already working in Bhikhiwind. The police officer forced Jarnail Singh to come along with him and arrested Tarlok outside of his workshop at Bhikhiwind Chowk while he was reading a newspaper. The police asked his father Jarnail Singh to return home.

Jarnail Singh immediately went to Bhikhiwind police station where he found out that his son was under interrogation at Patti police station. He then went to SHO Sita Ram of Patti police station who, however, said that Tarlok was not in his custody. Jarnail Singh then contacted Satpal Singh Dang, a well-known CPI leader from Amritsar, who telephoned SP (operations) Khubi Ram for his intervention. SP Khubi Ram asked Dang to send Tarlok's immediate family to him.

Tarlok's brother Kulwant Singh, along with members of the village council, met SP Khubi Ram on 6 November 1992. The SP said that he had nothing against Tarlok

and that they should return the next day to take him back with them. As advised, Tarlok's family members went back to SP Khubi Ram's office on November 7 morning. But he was not available. The same evening, Jarnail Singh found out that the police had staged an encounter near village Sabhra in which Tarlok Singh, Deedar Singh, and Sukhchain Singh, son of Harbhajan Singh, were declared to have been killed. Two Punjabi newspapers, *Ajit* and *Jagbani*, published a report about the encounter on 8 November 1992, identifying only Sukhchain Singh and Deedar Singh. The third person, actually Tarlok Singh, was described as an unidentified militant.

The family, who had hoped to secure Tarlok's release after being promised by the SP, felt shattered and did not even approach the police officials again. The police carried out the cremations without informing the families.

The cremations of Deedar Singh and Sukhchain Singh, carried out by sub-inspector Sita Ram of Patti police station under FIR no. 67/92 on 7 November 1992, are mentioned in the CBI's list of partially identified cremations Under serial nos. 101/902 and 102/903. The unidentified list shows two cremations on the same day and under the same FIR no. While one cremation is probably that of Tarlok Singh, there is no information on the identity of the other person cremated.

According to Kulwant Singh, two brothers of Deedar Singh, were captured and killed by the police in separate incidents.

147. Under serial no. 45/51, the list shows one cremation on 12 April 1988 carried out by Gharinda police. There is no FIR number. The post-mortem report number is IG/349/88. The cause of death is given as "poison capsule". Under serial no. 47/55, the list shows one cremation on 4 May 1988 carried out by the Gharinda police. There is no FIR number. The post-mortem report is marked as AKC/FM/190/88 and the cause of death is given to be "gun shots".

The committee's incident report form no. CCDP/01514 reveals the following information. The main informant is the victim's wife Jasbir Kaur.

Twenty-six-year-old Jagdev Singh, son of Bakhshish Singh and Parkash Kaur, was a resident of Bagarian village, post office Tarn Taran, under Tarn Taran's City police station, in Tarn Taran sub-division of Amritsar district. After completing his matriculation, Jagdev worked under a private doctor as a male nurse and then set up his own private practice at village Nona under Jandiala Guru police station in Amritsar. He started earning well and married Jasbir Kaur.

As an Amritdhari Sikh, Jagdev felt deeply hurt by the army's attack on the Golden Temple of Amritsar in June 1984 and expressed sympathy for the militant movement that developed in its wake. The police suspected him of cultivating links with the militants and started raiding his house to arrest him. Jagdev dodged the police and started living in hiding.

On 10 April 1988, Jagdev and his wife Jasbir were sitting in the house of Soorta Singh at village Bhakna Khurd under Gharinda police station in Amritsar district. A team from Gharinda police station surrounded the house and arrested Jagdev. They also arrested Rachhpal Singh of Bhakna Khurd. Jasbir Kaur tried unsuccessfully to contact the police officials to rescue her husband from illegal custody.

Two days later, the Gharinda police claimed that an unidentified militant under interrogation committed suicide by consuming cyanide and cremated his

body without informing the family.

According to Jasbir Kaur, the police killed Rachhpal Singh, arrested on 10 April 1988 along with her husband, in a fake encounter staged on 3 May 1988. As recorded in the CBI's list, Under serial no. 47/55, he was also cremated by the Gharinda police as an unidentified militant.

148 – 149. Under serial nos. 599/1020 and 600/1021, the list shows two cremations on 28 April 1993. They were carried out by SHO Govinder Singh of Patti police station under FIR no. 28/93. The post-mortem report numbers are not given. The cause of death is listed as “police encounter”.

The committee's incident report form no. CCDP/01555 reveals the following information about these cases. Shinder Singh, the brother of Balwinder Singh, is the main informant.

Twenty-year-old Balwinder Singh alias Binder, son of Jeet Singh and Preetam Kaur, was a *Mazhabi* Sikh resident of Jand village, post office Maneke, under Valtaha police station, in Patti sub-division of Amritsar district. A mason by profession, Balwinder was unmarried. According to his brother Shinder Singh, he had no link with the militant movement and had never been arrested before his execution. Balwinder used to sometimes volunteer for work on the renovation and construction of gurdwaras under the guidance of Baba Resham Singh, a well-known religious figure in his village.

In April 1993, Balwinder had gone with Baba Resham Singh to renovate a famous gurdwara dedicated to Guru Hargovind at Sri Hargobindpur in district Gurdaspur. A joint force of Tarn Taran police and members of a vigilante group under the leadership of Nihang religious leader Ajit Singh Phoola and sponsored by the police establishment, abducted Balwinder along with Baba Resham Singh and five of his associates. All of them were held at Kairon police post for a week and brutally tortured under interrogation and then killed in two separate incidents of encounters orchestrated by Harike and Patti police.

The cremations on 28 April 1993 of Gulzar Singh, Resham Singh and Sukhdev Singh, killed in these incidents, are recorded in the CBI's list of identified cremations, Under serial nos. 308/1015, 309/1018 and 310/1019, and have been described in the relevant chapter of this report. The cremation of Balwinder Singh, and of another unidentified person, carried out without the family's knowledge, is recorded in the CBI's third list Under serial nos. 599/1020 and 600/1021.

Balwinder's father Jeet Singh was unable to bear the shock of this incident and died from a heart attack a year later.



REFLECTIONS AND RECOMMENDATIONS

Michel Foucault, in his *Birth of the Prison*, narrates the public execution of a potential regicider in 1757 Paris. The execution was carried out following a court sentence that required him to be conveyed to the scaffold where “the flesh will be torn from his breast, arms, thighs and calves with red hot pincers, his right hand... burnt with sulphur, and on those places where the flesh will be torn away, pour molten lead, boiling oil... and then [have] his body drawn and quartered by four horses and his limbs and body consumed by fire, reduced to ashes.” The crown used this ceremony of punishment to publicly establish its supremacy over the threat of treason. It was a liturgy and investiture of the monarchical power to overwhelmingly retain people’s loyalty through a demonstration of its devastating force.

Times have changed and so, we claim, have the structures of the state and the norms of punishing political crime. A state like India, defined and structured by a written Constitution, is not supposed to practice violent ceremonies of self-affirmation over the bodies of those they suspect desire its destruction. But, as we have seen in all 672 cases of police cremations that we have discussed in this report, the state’s “theatres of terror” continue to operate behind the walls of police stations and interrogation centers, and their ceremonies of punishment remain as spectacular and bloody as in Foucault’s example from 1757 France. The Indian Constitution and its promises may be real, but so are their bloody and brutal violations and their ceremonial character of the state’s implacability. We cannot help being confounded by these parallel realities of constitutional promise and political practice, their structural insuperability and the annihilation of intelligence by the violence of the paradox. Incantations of human rights lose context or meaning and we begin to understand why Theodor Adorno said that “to write poetry after Auschwitz is barbaric”. We find ourselves in spiritual empathy with Ajaib Singh’s suicidal bereavement illustrated in the Committee for Coordination on Disappearances in Punjab (CCDP) 1999 interim report.

Ajaib Singh’s is not the only family in Punjab with a tale of tragedy and impossible redress. We have tried to capture the melancholy of life’s irrelevance in the face of the state’s power to wish it away that permeates other myriad households, dotting Punjab’s countryside, similarly destroyed by India’s war against the Sikh separatist threat. The list of such people who have become black ink in our dusty

registers is very long. The shipwreck of survival for their relatives would be another long saga. The reader of this volume must be tired by the monotony of it all, the same eternal story of police brutality and imperturbability of the powers. The repetition of the name Singh, as all male Sikhs carry the same surname¹ must make it appear that the same Singh is abducted, tortured, disappeared or killed thousands of times. In a way, that appearance belongs to the irrationality of individual histories that vanish into nothingness. Human rights atrocities that remain unaccounted for and outside institutional verification leave the serial order of time. The past becomes a continuous nightmare, without awakening and beyond atonement. The individual identities of the victims and the perpetrators of crimes lose relevance in the myths of collective guilt and suffering.

Yet, in this report, we have attempted to recover the enormity of atrocities from that rift in consciousness created by the life-exhausting and fruitless pursuit of accountability by the victim families, on the one hand, and the complex denial and obfuscation of facts by the Indian authorities and institutions, on the other. We have attempted to recover the facts of atrocities, as systematically and objectively as possible. We act because of our conviction that the recovery of atrocious truth in a social and political space, where society as a whole can take responsibility, is a perquisite for the restitution of wrongs.

Ours is only a feeble attempt. It needs the support of a more competent follow-up, in order to expose and analyse the irrationality of the parallel worlds of the rhetoric of rights and the realities of wrongs, identify their reasons in history, and make them amenable to correction. Our documentation represents less than 10 per cent of the victim testimony. The vast majority of incident reports, contained in our two volumes, have come from parents of the disappeared who are themselves old and may not live long to recount their experiences. Most of them are poor and illiterate and do not know and heed the meaning of “evidence” in historical or legal terms. By failing to record their experiences soon, we shall altogether lose the historical and legal evidence, the meaning and the spiraling consequences of atrocities. Apart from completing the documentation of violations, including enforced disappearances and arbitrary killings, the urgent issues for further research are: [1] The implications of trauma; [2] Survival after custodial torture; [3] The plight of widows and orphans; [4] The effects of damage, destruction and confiscation of property; [5] The working of the TADA courts and the pending prosecutions under the act; [6] The role of the media; and [7] The role of medical professionals.

Normally, a report of this nature concludes with a set of recommendations addressed to the powers that be. In this case, we do not know who constitutes the appropriate authority to hear our findings and recommendations. It does not make sense for us to address our recommendations to those Indian government agencies that hold direct responsibility for these enormous human rights crimes and exult in them, advocating amnesty to offenders and the “closing of the book”. We hope our report does not illicit the same rhetoric of denial that tiresomely defines their response to evidence of human rights crimes.

We had hoped that the National Human Rights Commission (NHRC) would draw from our investigative work at the grass-root level to make up for the failure

¹ This was an egalitarian innovation of the 10th tenth Sikh Guru against India's caste system.

of the state's investigative agencies in furnishing the facts necessary for its determination and adjudication of the issues. Our experiences of participation in the proceedings before the NHRC, over the last six years, have completely belied our initial hopes. The commission has concluded that the records of investigations carried out by the CBI are not helpful in revealing the necessary facts. The state of Punjab and its agencies too have not provided any meaningful information. The commission itself does not have an independent investigative agency to take on the task. Even then, it has made no attempt to reach the victim families and receive their depositions although it has become abundantly clear that all of the agencies involved in the counter-insurgency operations, including the CBI, are complicit in the conspiracy of impunity. We hope that the commission will use our case studies to involve the victim families directly in its proceedings and use their testimony to fulfill the mandate it has received from the Supreme Court.

We also appeal to the victim families to reach out to other segments of the Indian population and share their experiences as mothers, fathers, wives, and children of the disappeared. Their perseverance for justice, in spite of the destruction they have suffered, moves us; we ask them to speak across social and political differences and lead these efforts against impunity.

We also beseech the educated sections of the Indian middle class to pay careful attention to the facts and the histories contained in this volume and hear the victims' stories. They must recognize that at the heart of these human rights crimes lies their secret compact with the state's hidden *demonic*, guided by their parochial and sectarian passions and prejudices. It is under their approving eyes and complicity that the state forces can inflict pervasive atrocities on India's religious minorities, politically discontented segments of the population and non-dominant communities in the country's peripheries. The Nazis accomplished the Holocaust, as Thomas Mann explained, under the same conditions of social collusion.² Thus, only if they suppress prejudices with an honest analysis of the facts and histories can we begin to create space for restitution.

India is a constitutional state that is supposed to confine the powers of its agencies by law and by clear divisions of their legislative, executive and judicial functions. The Constitution and its agencies remained intact even as pervasive atrocities occurred in Punjab. No official agency formally approved of them; all silently acquiesced. The operations did not develop out of deliberations or policy decisions, but the legislators and members of Parliament knew what was happening in their constituencies. Judges and magistrates colluded with the torture and elimination of detainees by literally closing their eyes to the evidence and by uncritically accepting the official denials and lies. The media appeased the state by practicing self-censorship. Many journalists in the print, wire and electronic media supported the murderous operations of the security forces more directly. This was the climate of approval in which the atrocities occurred and unless we recognize and address these issues contributing to the state of impunity in Punjab, the struggle for truth, accountability and justice will continue to be thwarted.

² Thomas Mann, *Germany and the Germans*, in *Listen Germany: Twenty-five Radio Messages to the German People over BBC*, Knopf, NY, 1945, p. 5

APPENDIX - I

PRESS NOTE ON MASS ILLEGAL CREMATIONS 16 JANUARY 1995

HUMAN RIGHTS WING (S.A.D.)

HEAD OFFICE: KOTHI NO. 30, Sec. 5, Chandigarh-160005 (INDIA)
Ph. (0172) 541244 P.P.

Ref. No. 103/95

Dated: 16-01-95

“DISAPPEARED:” CREMATION GROUNDS

The cases of ‘disappeared’ persons has been a source of constant concern for all human rights groups working in Punjab. An estimated 2000 families from the district of Amritsar alone, wait agonisingly for the return of their near and dear ones. Some families, who cannot bear the uncertainty any more, just want to know if their son, brother, husband or daughter is dead or alive so that they can perform the last religious rites and accept the tragedy as the will of God.

The Human Rights Wing (HRW) of the Shiromani Akali Dal constituted a two member team to investigate into the matter and try to get some leads, at least to the “disappearances”. The investigation team came across some astounding facts which are being released as under.

The investigation team decided to work in the Amritsar area and its neighboring police districts. It was learnt that the police regularly bring bodies to the municipality grounds for cremation, declaring them as unclaimed. The team found that 400 unclaimed bodies had been brought for cremation to the Patti municipality cremation grounds. Bodies brought to the Patti municipal committee’s cremation grounds came from as far as Khalra – 40 Kms, Kairon – 10 Kms, Harike – 15 Kms, Valtoha – 30 Kms, Bhiki – 25 Kms. 700 unclaimed bodies to the Tarn Taran municipality cremation grounds. The only record of these unclaimed bodies is available from the receipt book through which firewood was issued for the disposal of the bodies. The receipt book has the date and number of bodies brought, recorded on it.

In Amritsar district, the maximum unclaimed bodies brought for cremation was to the cremation grounds near the Durgiana Mandir. From 1st June 1984 to the end

of 1994 about 2000 bodies have been cremated as unclaimed. The officials of the Durgiana Mandir cremation grounds expressed their inability to show any records, but suggested that details will be available with the Amritsar registrar of Births and Deaths. The details which could be gathered at the registrar's office are given below.

During the 1st year of the Govt. of Mr. Beant Singh, 300 unclaimed bodies were brought to the Durgiana Mandir cremation grounds by the police department. Out of these 300 bodies names of 112 have been given and the rest were declared as unidentified. 41 persons have been recorded to have died of bullet injuries or police encounters. No reason has been recorded for the cause of the death of 259 persons. Postmortems were conducted only on 24 bodies by the Amritsar Medical College. No postmortem was conducted on 276 bodies. 5 bodies of females, as per the record, out of which 3 names have been recorded. The details of the 3 female bodies are:- Harpal Kaur, Village Dhulka. Dated 25.12.92. Achint Kaur & companion. Dated 30.9.92.

Two bodies are those of Kashmiris of Sopore, cause of death, 'encounter'. One unclaimed body is from near Chamkaur Sahib, in Ropar district.

Baghel Singh alias Gurdarshan Singh of village Deriwal was nabbed by the Punjab Police in Bihar. News of his "arrest" was reported in the Punjab press. Various organizations in Punjab apprehended him being eliminated in a faked encounter. This was around the last week of Nov/first week of Dec/91. On the 19th.1.92, the police knowing fully well the identity of Baghel Singh and his village, brought his body to the Durgiana Mandir cremation grounds for cremation as unidentified and unclaimed.

Mr. Piara Singh s/o Shingara Singh, Director of Central Co-operative Bank in Amritsar, paternal uncle of Harminder Singh Sultanwind (Militant), Mr. Piara Singh had gone to a relative's farm in Pilibhit in Uttar Pradesh. One morning, a jeep drove up to the farm house, a team of doctors attired in white coats, sporting stethoscopes approached the residents of the farm requesting them that a V.I.P. was coming to the neighboring village to inaugurate a Govt. medical clinic and some respectable citizens should also grace the occasion. They requested Mr. Piara Singh to come with them. Mr. Piara Singh ended up at the Durgiana Mandir cremation ground on 16-12-92.

Mr. Pargat Singh "Bullet" was undergoing treatment at the Guru Nanak Hospital Amritsar. He was abducted by the Raja Sansi police and his "unidentified" body was brought to the Durgiana Mandir cremation grounds on 3-11-92.

As per the Punjab Police Rules No. 3, Rule 25.38 in Chapter XXV states the procedure to be adopted in cases of dead bodies which are unidentified. The rule is quoted as below: 25.38. If a body is unidentified, the officer making the investigation shall record a careful description of it, giving all marks, peculiarities, deformities and distinctive features, shall take the finger impressions and in addition to taking all other reasonable steps to secure identification, shall, if possible, have it photographed and in case where such action appears desirable, a description published in the criminal Intelligence Gazette.

Unidentified corpses should be handed over to any charitable society which is willing to accept them, and if no such society comes forward, they should then be buried or burned.

What is surprising is that the police has given the identity of the body and also the village and yet disposed of the body as “unidentified” or “unknown”. The police has not bothered to give the nature of deaths.

HRW would like to add here that this disposal of bodies is in addition to bodies that are weighed down and dumped into the various rivers and canals.

HRW places on record details of just a few cremation grounds. Similar will be the picture from the remaining cremation grounds.

HRW demands that keeping in view the seriousness of the case in mind, the High Court order a CBI inquiry into the matter, and the deaths placed on record. So that the agonising wait of thousands of families may end. Dependents can get death certificates issued so that those who were employed, can proceed with the departmental formalities.

The investigation team comprised of Mr. Jaswant Singh Khalsa and Jaspal Singh Dhillon.

Sd/-
(JASWANT SINGH KHALRA)

Sd/-
(JASPALSINGH DHILLON)

APPENDIX - II

INCIDENT REPORT FORM

THE COMMITTEE FOR COORDINATION ON DISAPPEARANCES IN PUNJAB

Chandigarh Secretariat: 742, Sector 8, Chandigarh, Tel. 544920
New Delhi Secretariat: 56 Todarmal Road, (Bengali Market)
N Delhi. Tel. 23714531

A DESIGN FOR INCIDENT REPORT FORM

Name of the disappeared/ dead person:

Caste:

Father's name:

Mother's name:

Address:

.....(top sheet:
to tear along the dotted line)

Name of the disappeared/ dead person:

Alias, if any:

Caste:

Father's name:

Mother's name:

Address:

Alias if any:

Age (Give date of birth if possible):

Educational qualification:

Profession/ occupation:

Monthly earning:

Other sources of income:

Marital status:

Name of the spouse and the address:

Age:

Employed/ unemployed/ details:

Spouse's parents:

Father's name and age:

Mother's name and age:

Profession/occupation:

Residence:

Children:

Names/age/sex:

Names of other dependants within the joint family:

General background of the disappeared/ dead person:

(Specially relevant would be details of hostile interaction with the security forces since 1984.)

Date and time of disappearance:

Location of disappearance:

(Include as much detail as possible)

Circumstances of disappearance:

(Short narrative statement with names of people responsible)

Are there witnesses? Yes/No.

Details of witnesses: Names/ addresses:

(Note: Specify if you do not wish to divulge the names of witnesses for the present. In which case do not fill this column.)

Perpetrator/s:

Name/s:

Age/ Physical description:

The security agency to which the perpetrator/s belong:

Rank

Uniformed or in plainclothes?

Description of uniform/dress:

Attached to which police station when the incident happened?

The present posting:

Any other details which you might want to add:

When was the person last seen?

By whom?

Where?

Steps taken to trace the "disappeared" and the results:

First Information Report filed? Yes/No

If yes, the number and the date:

The name of the police station:

Name of the officer who recorded the report:

Outcome, if any:

Habeas Corpus Petition filed? Yes/No

If yes, the number, date, and the court:

Name of the lawyer:

Address:

Telephone No.

Outcome:

Appeals made to local and national authorities. Give details. Photocopies if possible:

Outcome:

Is it possible that the disappeared person may be alive? Yes/ No

Give reasons why you believe this:

If believed to be alive, name the location where the person might be found:

Is it assumed that the person has been killed and cremated? Yes/ No

If yes, why you believe this:

Is it assumed that the dead-body was disposed of in any other manner? Yes/ No

If yes, explain why you believe this:

Was the incident reported in newspapers? Yes/No

If yes, name the newspaper/s:

Date/s on which the report appeared:

Was there ever any report in the press about the disappeared/ dead prior to this incident? Yes/ No

Give details:

Enclose copies if possible.

Have you had any official or unofficial communications with police officials concerning the fate of the person at any time? Yes/No

If yes, give details:

Has any other person known to you also been abducted/ “disappeared”/reported killed in armed encounter in connection with the reported incident? Yes/No

If yes, give details:

Do you know of the “disappearance” of any other person?

Has any other member/s of your family “disappeared”? Yes/No

If yes, give details:

Did you receive the body for performing the last rites? Yes/ No.

If yes, from whom?

Was any property (structures, possessions, live stock or other chattel) damaged/ destroyed/ stolen/ expropriated in the course of the incident or subsequently? Yes/ No

If yes, give details:

Who owned the property which was damaged/ destroyed/ stolen/ expropriated?

Who damaged/ destroyed/ stole/ expropriated it?

Names:

Agency to which they belong:

Rank-designation:

Description for identification:

Age:

Physical description:

Describe the property:

1. Damaged: Value:

2. Destroyed: Value:

3. Stolen: Value:

4. Expropriated: Value:

Has the event of “disappearance” had any psychological/medical consequences in the family? Yes/No:

If yes, give details:

Hospitalization/ Expenses:

Has there been any death in the family connected/ subsequent to the event of “disappearance”? Yes/No:

If yes, give details:

Other comments:

Signature of the person giving details of the incident:

Name in full:

Father’s name:

Mother’s name:

Relationship to the missing/ killed/ cremated person:

Present Address:

Date/Place:

APPENDIX - III

DISTRICTS OF PUNJAB

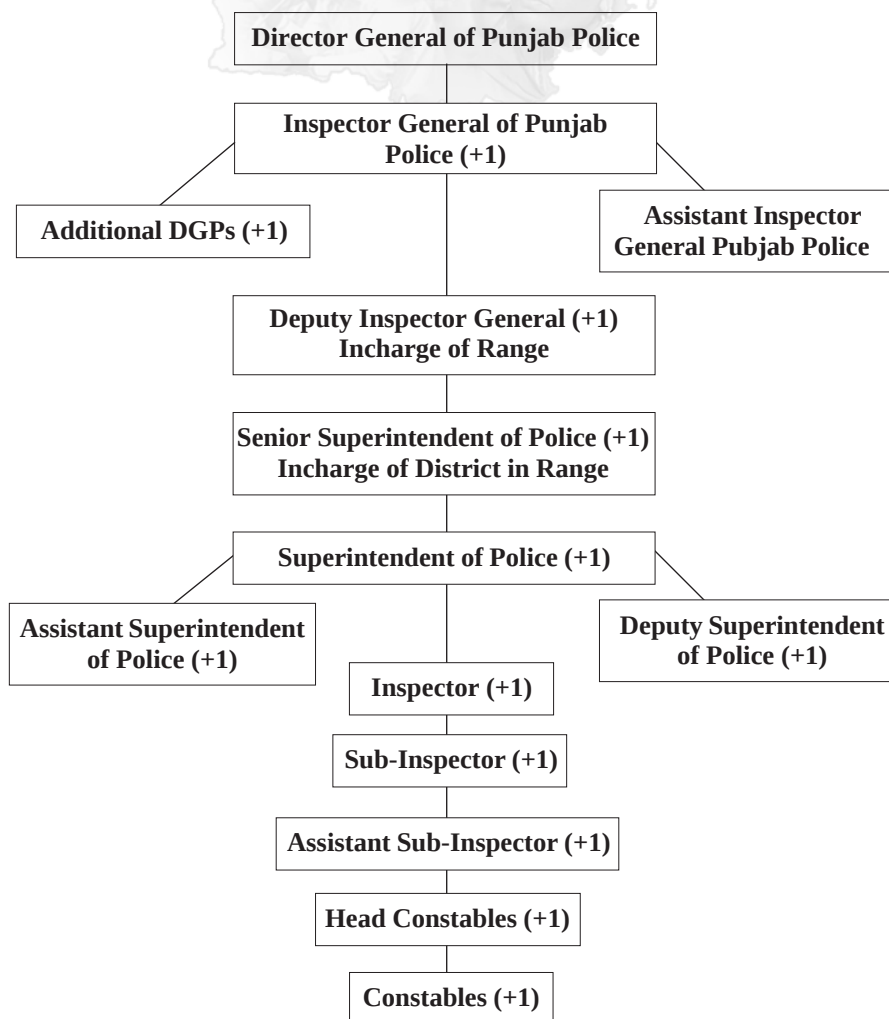


INDIA



APPENDIX - IV

ORGANIZATIONAL STRUCTURE OF PUNJAB POLICE AND ABBREVIATIONS OF POLICE RANKS



Note: This chart shows the relevant positions mentioned in the report. It is not a complete representation of the Police command structure.

ABBREVIATIONS OF PUNJAB POLICE RANKS

DGP	Director General of Police
ADGP	Additional Director General of Police
IGP	Inspector General of Police
DIG	Deputy Inspector General
SSP	Senior Superintendent of Police
AIG	Assistant Inspector General of Police
SP	Superintendent of Police
ASP	Assistant Superintendent of Police
DSP	Deputy Superintendent of Police
SHO	Station House Officer
Insp.	Inspector
SI	Sub-Inspector
ASI	Assistant Sub-Inspector
HC	Head Constable
Const.	Constable

APPENDIX - V

12 DECEMBER 1996 SUPREME COURT ORDER REFERRING THE MATTER OF ILLEGAL CREMATIONS TO THE NHRC

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Writ Petition(Crl.) No. 497/95

PARAMJIT KAUR

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS
With Appln(s). for directions
With P(Crl.) No. 447/95

Respondent(s)

Date: 12/12/96 These Petitions were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE KULDIP SINGH

HON'BLE MR. JUSTICE S. SAGHIR AHMAD

For Petitioner (s) Mr. R S Sodhi, adv.

Mr. Ashok Aggarwal, adv.
Mr. P D Sharma, adv.

For Respondent (s) Mr. Mela Ram Sharma, adv.
Mr. R S Suri, adv

Mr. T C Sharma, adv.
Mr. P Parmeshwaran, adv.

UPON hearing counsel the Court made the following**ORDER**

After hearing learned counsel for the parties, the Court passed the order requesting the National Human Rights Commission through its Chairman to have the matter examined in accordance with law and determine all the issues which are raised before the Commission by the learned counsel for the parties. Copies of the order dated November 15, 1995 and all subsequent orders passed by this Court alongwith the copies of all the CBI reports in sealed covers be sent to the Commission by the Registry within one week.

(S K Dudani)
Court Master

Alka

Signed order is placed on the file.

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Writ Petition(Crl.) No. 497/95

PARAMJIT KAUR

Petitioner (s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent (s)

With

W.P. (Crl.) No. 447/95

ORDER

Two issues were raised before this Court in Mrs. Paramjit Kaur Vs. State of Punjab and Ors. in Writ Petition (Crl.) No. 497/95 and the connected Writ Petition (Crl.) No. 447/95. The first issue concern [sic] the abduction of Mr. J.S. Khalra, General Secretary, Human Rights Wing of Shiromani Akali Dal. This Court after monitoring has passed final order so far as issue regarding Mr. Khalra is concerned. The second issue raised in the Writ Petitions related to the Press Note dated January 16, 1995 issued by the Human Rights Wing of the Shiromani Akali Dal under the signatures of Khalra and J.S. Dhillon under the caption "DISAPPEARED": "CREMATION GROUNDS". The Press Note stated that large number of persons were cremated by labelling them as un-identified. This Court dealt with the second issue as under:

"The second issue highlighted in this petition is equally important. This Court cannot close its eyes to the contents of the Press Note dated January 16, 1995 stated to be investigated by Khalra and Dhillon. In case it is found that the facts stated in

the Press Note are correct – even partially – it would be a gory-tale of Human-rights violations. It is horrifying to visualize that dead-bodies of large number of persons – allegedly thousands – could be cremated by the police unceremoniously with a label “unidentified”. Our faith in democracy and rule of law assures us that nothing of the type can ever happen in this country but the allegations in the Press-Note – horrendous as they are – need thorough investigation. We, therefore, direct the Director, Central Bureau of Investigation to appoint a high powered team to investigate into the facts contained in the Press Note dated January 16, 1995. We direct all the concerned authorities of the State of Punjab including the Director General of Police, Punjab to render all assistance to the CBI in the investigation. All the authorities of the Punjab Government shall render all help and assistance to the CBI team as and when asked by any member of the said team. We give liberty to the CBI to seek any further directions from this Court from time to time as may be necessary during the investigation.”

The CBI has completed its enquiry as directed by us. The 5th and final report was filed in this Court on December 9, 1996. The report is self explanatory and speaks for itself. The Registry shall send a copy of the report to the National Human Rights Commission (the Commission) under a sealed cover. The report indicates that 585 dead bodies were fully identified, 274 partially identified and 1238 un-identified. Needless to say that the report discloses flagrant violations of human rights on a mass scale. Without going into the matter any further, we leave the whole matter to be dealt with by the Commission.

This Court on December 11, 1996 passed the following order:

“Pursuant to this Court’s order dated November 15, 1995, the CBI has placed on record the 5th and Final report dated December 9, 1996 regarding the cremation by the Police of lawaris dead bodies in various Districts of Punjab. Mr. M L Sharma, Joint Director, CBI is personally present in Court. We agree with the suggestion of Mr. Sharma that the contents of the report be kept secret, as at present, because further investigation has to be undertaken by the CBI. Mr. Sharma has suggested that since large number of cases may have to be registered, the CBI may be permitted to undertake investigation of 10-15 cases and the remaining cases be investigated by the Punjab Police. We appreciate the suggestion but since the CBI has done the initial investigation in this matter and has placed five detailed reports before this Court while appreciating the work of the CBI, we are of the view that as at present, the CBI should undertake the investigation of all the cases which are to be registered as a result of the final report. We, therefore, direct the CBI to take further action into the matter and register the cases, where necessary, hold investigations and proceed in accordance with law on the basis of the material collected during investigation.

We, however, give liberty to the CBI to seek further directions, if necessary, from this Court in line with the suggestion made by Mr. Sharma or for any other purpose. The CBI shall, after every three months, place a status report regarding the investigation in this Court.”

While the CBI is investigating the matter, we are of the view that the remaining issues involved in this case be left for the determination of the Commission, which is the appropriate body for this purpose.

Learned counsel in the two writ petitions have vehemently contented that all the 585 bodies which have been identified, their heirs/dependents are entitled to compensation. Our attention has been invited to various provisions specially Sections 12 and 18 of the Protection of Human Rights Act, 1993.

We request the Commission through its Chairman “to have the matter examined in accordance with law and determine all the issues which are raised before the Commission by the learned counsel for the parties.” Copies of the order dated November 15, 1995 and all subsequent orders passed by this Court alongwith the copies of all the CBI reports in sealed covers be sent to the Commission by the Registry.

Since the matter is going to be examined by the Commission at the request of this Court, any compensation awarded by the Commission shall be binding and payable. If any approval or further assistance from this Court is necessary, the same may be sought by the Commission. The necessary papers be sent to the Commission within one week in a separate seal cover.

Sd/-

_____ J.

(KULDIP SINGH)

Sd/-

_____ J.

(S. SAGHIR AHMAD)

NEW DELHI
DECEMBER 12, 1996



NHRC PROCEEDING

NATIONAL HUMAN RIGHTS COMMISSION

SADAR PATEL BHAWAN
NEW DELHI

Reference Case No. 1/97/NHRC

Dated: 16-01-95

REFERENCE MADE BY THE SUPREME COURT ON WRIT PETITION NO. 447/95 AND 497/95

CORAM

Justice Shri J.S. Verma, Chairperson
Dr. Justice K. Ramaswamy, Member
Shri Sudarshan Agarwal, Member
Shri Virendra Dayal, Member

PRESENT

1. Shri Harish Salve, Solicitor General of India with
Shri R.V. Sinha, Advocate for Union of India
2. Shri R. Venkataramani, Sr. Advocate for NHRC
3. Ms. A. Choudhry, Under Secretary, Min. of Home, New Delhi
4. Shri Sarup Singh, Advocate for the State of Punjab
5. Shri Jayadeva Prasad, Dy. Legal Adviser, CBI
6. Shri S.P.S. Dutta, Dy. SP/CBI, New Delhi
7. Shri R.K. Sharma, I.G.P. Litigation, Punjab
8. Shri Rajinder Singh, DIG, Police, Litigation, Punjab
9. Shri Mohinder Pal Trehan, Under Secretary (Home), Punjab
9. [sic] Shri Sudhir Walia, Advocate for Punjab Police

PROCEEDINGS

We have heard Shri Harish Salve, Solicitor General of India, on behalf of Union of India, Shri R. Venkataramani, Sr. Advocate for NHRC, Shri Sarup Singh, Advocate for the State of Punjab and Shri Sudhir Walia, Advocate for Punjab Police. The report prepared by Shri Venkataramani has been considered.

There are three categories of cases. One category relates to 23 cases. They do not fall within police districts Amritsar, Majitha and Taran Taran. The list of these cases is in Annexure "A" to the letter of Government of Punjab dated 17th January 2000. It is not disputed that these 23 cases do not fall within the purview of the present reference and, therefore, need not be gone into by the Commission. Accordingly, these 23 cases are excluded from consideration by the Commission. Intimation to the concerned claimants be given accordingly.

The second category of 18 cases which are required to be considered by the Commission for payment of compensation is shown in Annexure 'C' in the above said letter. Their position is this:-

The material present in conjunction with the stand taken by the State Government, "that is has neither conducted any detailed examination in these cases on merits nor does it admit its liability in these matters but it offers payment of compensation in accordance with its policy contained in letter dated 29 August, 1995 with a view to settle the matter as also in view of the suggestion of the NHRC," alone is sufficient to render the State Government liable for payment of compensation on the above basis. For this conclusion it does not matter whether the custody was lawful or unlawful or the exercise of power of control over the person was justified or not; and it is not necessary even to identify the individual officer or officers responsible/concerned.

The third category comprises 47 claims shown in Annexure 'B'. It is necessary to scrutinize them according to the settled principles for the award of compensation in such cases. Learned counsel will help the learned Amicus Curiae in the scrutiny of these cases according to their convenience and a report of the outcome of the scrutiny will be submitted by the learned Amicus Curiae within three months to enable the Commission to proceed further in the matter.

It would be appropriate that determination of the quantum of compensation payable in the above 18 cases and any other cases out of the remaining 47 claims in which the claim is found to be justified is done at one time after the scrutiny of these 47 cases is complete.

We also consider it appropriate that the decision on the dispute relating to the liability for payment of compensation between the Government of India and the State Government be left open for consideration, should that dispute survive, at the end of the proceedings after determination of the quantum of compensation in each case. We would like to reiterate that this dispute between the Government of India and the State Government on the question of liability for payment of compensation would better be left open for decision in an appropriate case and in the present case we do hope even now that some workable solution is found between the two Governments themselves.



GLOSSARY

AKALI DAL

Literally, the “Army of Immortals,” the Akali Dal was formed in November 1920 during the second meeting of the Central Sikh League, established to start a campaign to gain control of the gurudwaras from corrupt leaders. The Akali Dal became the main political party purporting to represent the Sikhs. It also spearheaded the Punjab Suba movement, the anti-Emergency protests and the Dharam Yudh Morcha of 1982.

AKAL TAKHT

Literally, “eternal throne.” The symbolic seat of Sikh temporal authority inside the Harimandir (Golden Temple) complex in Amritsar, built by the sixth guru, Guru Hargobind, in defiance of the Delhi Takht during the Mughal rule. It is the highest seat among the four other Sikh takhts.

AMRITDHARI

A Sikh who has taken *amrit* (nectar) and initiated himself or herself into the community of the Khalsa. The tenth Sikh guru, Guru Gobind Singh Ji, initiated the ceremony of *amrit* in 1699. After administering sweetened water, stirred in an iron bowl with a two edged-dagger, five Sikhs drank from the same bowl and then asked the Guru to also drink from the bowl, symbolizing the Guru’s decision to merge his authority into the collective will of the community. All Amritdhari Sikhs follow the *Sikh Rehat Maryada*, the code of conduct, and wear the 5 Ks: *kesh* (uncut hair), *kanga* (comb), *Kada* (steel bracelet), *Kirpan* (saber) and *kachcha* (shorts).

DAM DAMI TAKSAL

A Sikh seminary, judged to have been the citadel of Sikh orthodoxy for more than 200 years.

GURUDWARA

Literally, “Gateway to the Guru.” A Sikh house of worship with four doors, symbolizing that it is open to all people. Sikh gurdwaras also provide free meals to all who come and everyone dines together, which is the anti-thesis to casteism.

KAR SEVA

Voluntary labor, especially performed for the renovation of gurdwaras and other buildings.

KHALSA

Literally, “the sovereign.” This term has commonly been misinterpreted as the “pure.” The community of Amritdhari Sikhs formed by Guru Gobind Singh Ji.

NIHANG

An order of Sikhs, distinguished by their distinct clothing: Blue clothes with a yellow sash. They follow a soldierly lifestyle and eschew household comforts.

PANCHAYAT

An elected village council meant to function as a unit of self-government, under Article 243B of the Constitution. The panchayat is responsible for the development of plans and implementation of schemes relating to economic development and social justice as provided under the Constitution. *See* Part IX of the Indian Constitution.

SARPANCH

Chairperson of the village panchayat.

**LIST OF IDENTIFIED DEAD BODIES DIED
DUE TO POLICE/ PARA MILITARY FORCES ENCOUNTER\AND CREMATED BY PUNJAB POLICE.
POLICE DISTRICT TARN TARAN, PUNJAB**

SL No.	Name	Date of Cremation	Police Stn & FIR No.	Police Officer Giving Requisition for Cremation	Post Mortem Report No	Cause of Death
1./001	Sukhdev Singh@ Sukha, s/o Isher Singh, r/o Tanori Dt. Jind, Haryana	06.07.84	Verowal 256/84	Kulwant Singh HC	SSC 5/84	Police encounter.
2./002	Acchar Singh, s/o Tara Singh, r/o Kamboke, Teh.Patti ASR	21.07.84	Patti 223/84	Vishwamitra HC	SKG-16/84	Police encounter
3./008	Virsa Singh, s/o Harnam Singh, r/o Sur Singh	10.-05-87	Harike 59/87	Madan Gopal Insp.	JSC-33/87	Police encounter
4./011	Sukhwant Singh s/o Desa Singh r/o Chak Sikkander. PS. Ramdas	05-07-87	Valtoha 90/87	SI/SHO Amar Singh	SLG-53/87	Bullet injuries.
5./017	Swarn Singh s/o Mahanta Singh r/o Kamboke, Teh.Patti	16-10-87	Chabal 227/87	HC Jaswinder Singh	KS-34/87	Firearm injury.
6./018	Narinder Singh, @ Pratap Singh, s/o Puran Singh, r/o Bhorsi.	18-10-87	Verowal 204/87	ASI Aatma Singh	KS-35/87	Not available.

7./021	Gurtej Singh, s/o Surinder Singh, r/o Vill.Gumtala.	09-11-87	City Tam Taran	SI Harman Singh	9/HS/87	CRPF Encounter.
8./028	Baldev Singh, s/o Harbhajan Singh r/o Vill.Sekhchack	29-02-88	Verowal 49/88	ASI Aatma Singh	AK-11/88	Encounter.
9./032	Gurnam Singh s/o Harbhajan Singh r/o Ghariyala	11-05-88	Bhikiwind 66/88	SHO Karnail Singh	SSA-41/88	Not available.
10./033	Darbara Singh s/o Laksman Singh r/o Thatha	11-05-88	Bhikiwind 66/88	SHO Karnail Singh	SS-42/88	Not available.
11./034	Jaswant Singh s/o Jora Singh r/o Thatha	11-05-88	Bhikiwind 66/88	SHO Karnail Singh	SS-43/88	N/A.
12./035	Pratap Singh s/o Resham Singh r/o Kalsian	11-05-88	Bhikiwind	SHO Karnail Singh	SS-44/88	N/A.
13./043	Pargat Singh s/o Pyara Singh r/o Bhela	05-11-88	City Tam taran 243/88	SI Tilak Raj	PS-69/88	Police encounter.
14./044	Bhupinder Songh s/o Kuldeep Singh r/o Mehadpur	11-05-88	Bhikiwind 66/88	SHO Karnail Singh	VKA-58/88	Police encounter.
15./045	Bhag Singh s/o Kashmir Singh r/o Palazadi Bud Singh	11-05-88	Bhikiwind 66/88	Karnail Singh SI/SHO	VKA-59/88	Police encounter.
16./046	Pritpal Singh s/o Gurudyal Singh r/o Gagbooha	11-05-88	Bhikiwind 66/88	Karnail Singh SI/SHO	VKA-60/88	Police encounter.
17./047	Surjan Singh s/o Massa Singh, r/o Padri	11-05-88	Bhikiwind 66/88	Karnail Singh SI/SHO	VKA-61/88	Police encounter.

18./048	Gurnam Singh s/o Jarnail Singh r/o Thatha	11-05-88	Bhikiwind 66/88	Karnail Singh SI/SHO	VKA-62/88	Police encounter
19./49	Surjeet Singh s/o Jagga Singh Jat, R/o Ghariyala.	29.06.88	Valtoha 86/88	Mohinder Singh, SI/SHO	SLG 34/88	Police encounter
20/50	Chanan Singh s/o Puran Singh Jat, R/o Assal Utar.	29.06.88	Valtoha 86/88	Mohinder Singh, SI/SHO	SLG 35/88	-do-
21/51	Sarwan Singh s/o Gurmej Singh, R/o Assar Utar.	-do-	-do-	-do-	SLG 36/88	-do-
22/52	Amrik Singh s/o Gurmej Singh Mahajan, R/o Ratoke.	10.08.88	Valtoha 102/88	Mohinder Singh SI/SHO	-	-do-
23/53	Shinda s/o Sarwan Singh Jat, R/o Sur Singh, PS Bhikwind.	22.09.88	Valtoha 123/88	-do-	SSA 38/88	-do-
24/54	Karam Singh s/o Teja Singh, R/o Durgapur.	05.11.88	Harike 193/88	Dara Singh, ASI/SHO	VKA 131/88	-do
25/55	Balwinder Singh s/o Darbara Singh, R/o Warian.	-do-	-do-	-do-	VKA 132/88	-do-
26/57	Dalbir Singh @ Beera s/o Surjan Singh, R/o Kang.	-do-	Sadar TT 146/88	Surinder Singh, SHO	PS 68/88	-do-
27/64	Karaz Singh s/o Suba Singh, Vill.Bhure Kane.	21.12.88	Sadar TT 163/88	-do-	PS 76/88	CRPF encounter.
28/65	Ramesh Singh s/o Sher Singh, r/o Bhode Khurd.	-do-	-do-	-do-	PS 77/88	-do-

LIST OF PARTIALLY IDENTIFIED DEAD BODIES WHO DIED DUE TO POLICE/ PARA MILITARY FORCES ACTION AND CREMATED BY THE PUNJAB POLICE.

POLICE DISTRICT, TARN TARAN, PUNJAB

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Reduced to Ashes

S. No.	Name of the Deceased	Date of Cremation	Police Station & FIR No.	Police Officer Giving Requisition for Cremation	Post Mortem No	Cause of Death
01/04	Sher Singh @ Shera R/o U.P	07-08-84	Sadar T T 230/84	Rajinder Singh SI/SHO	RS-7/84	Police encounter.
02/05	Kamaljeet Singh @ Kanwa @ Sher Singh R/o Harnwal, PS Dera Baba Nanak	07-02-87	Valtoha 25/87	Mohinder Singh ASI	JSC-18/87	Firarm injuries.
03/06	Ranjeet Singh @ Fauja Singh Mazabi R/o Tarsika	19-03-87	Sadar T T 50/87	Joginder Singh ASI	USS-68/87	Police encounter.
04/07	Mangal Singh R/o Bhai Ladhoo	10-05-87	Harike 59/87	Madan Gopal ASI	USS-32/87	-do-
05/09	Satnam Singh @ Satta R/o Chakwalia	10-05-87	Harike	-do-	JSC-34/87	-do-
06/24	Gurcharan Singh S/o N/K	13-12-87	Verowal 243/87	SI Ajeet Singh	KS-49/87	N/A
07/41	Satnam Singh @ Satta @ Bitto	25-07-88	Sarhalli 124/88	ASI Sukhdev Singh	KS-49/88	Police encounter.
08/56	Teja Singh S/o Bera Singh Jat	05-11-88	Sadar T T 146/88	SHO Surinder Singh	PS-67/88	-do-
09/58	Major Singh @ Kala	20-11-88	City T T	ASI Hakumat Singh	KS-7088	Bullet Injuries.

10/80	Major Singh S/o Kabulsingh	31-05-59	Valtoha 48/89	ASI Gurmej Singh	VKA-28/89	Police encounter.
11/81	Major Singh S/o Jagir Singh	31-05-89	Valtoha	-do-	VKA-29/89	-do-
12/82	Kuljeet Singh @ Captain S/o Balwant Singh	31-05-89	Valtoha	ASI Gurmej Singh	VKA-30/89	Police encounter
13/170	Sukhdev Singh @ Suukha R/o Jania	03-03-90	Sadar T T 1/90	HC Didar Singh	PS-19/90	Firearm injuries./ Encounter.
14/208	Nachhatar Singh r/o Sabhra	16-07-90	Harike 49/90	Surinder Singh SI/SHO	SS-7/90	Firearm injuries.
15/218	Gurmej Singh S/o Lakhna	05-08-90	Valtoha 85/90	Balbair Singh	MS-17/90	Police encounter.
16/231	Piara Singh R/o Tarn Taran	22-08-90	City T T 160/90	ASI Lakhvir Singh	OS-56/90	Bullet injuries.
17/232	Gurinder Singh S/o Surjeet Singh Ramgaria PS. Bikhwind	2-08-90	Patti 150/90	ASI Gian Singh	N/A	Encounter.
18/245	Sarwan Singh S/o Gurmukh Singh	08-09-90	Patti 168/90	SI Major Singh	N/A	Police encounter.
19/269	Paramjit Singh @ Sada Singh Jat R/o Kambo	22-10-90	Sadar T T 94/90	Joginder Singh Insp	PS-67/90	Encounter.
20/282	Nirmal Singh Patiala	03-11-90	Sadar T T 106/90	Jagdish Singh Insp	AK-93/90	Police encounter.
21/284(a)	Balwant Singh @ Banka R/o Pandori Sidwan	06-11-90	Sadar T T 107/90	-do-	PK-5/90	-do-
22/288	Gora R/o Kamala Balan	05-11-90	Valtoha 118/90	SHO Surinder Singh	MS-192/90	Firearm injuries.
23/290	Mukhtiar Singh R/o	-do-	-do-	-do-	MS-194/90	-do-

	Bundala, Ferozpur						
24/297	Mukhtiar Singh @ Mukha S/o Hardeep Singh	29-11-90	Sadar T T 116/90	SHO/Ins Jagdish Singh	SS-37/90	-do-	
25/301	Bagal Singh r/o. Hoshiar Pur	29.11.90	Sadar T T 116/90	SHO/Insp Jagdish Singh	SS-37/90	N/A	
26/302	Gurdeep Singh Mehra R/o Pakhoke	-do-	-do-	-do-	PS-38/90	Firearm Injuries.	
27/359	Salwinder Singh @ Sandhu r/o Talwandi Chanchak	21-03-91	Valtoha DD No. 2591, dated 20-03-91	SHO Surinder Singh	N/A	Cyanide Consumption.	
28/404	Sindhi r/o Jammu	09-05-91	City T T 66/91	Insp. Jagdish Singh	HK-31/91	Firearm injuries.	
29/405	Harjinder Singh Pehlwan	-do-	-do-	-do-	HK-59/91	-do-	
30/406	Lakhwinder Singh @ Lakha R/o Takhtoo Chak	-do-	-do-	-do-	HK-14/91	Police encounter.	
31/407	Jagtar Singh R/o Bhorsi	-do	-do-	-do-	HK-28/91	-do-	
32/408	Lakhwinder Singh R/o Mogal Chak	-do-	-do-	-do-	HK-29/91	-do-	
33/410	Major Singh @ Mehar Singh	-do-	-do-	-do-	HK-14/91	-do-	
34/411	Lakhwinder Singh @ Lakha R/o Taktoo Chak	-do-	-do-	-do-	KH-14/91	-do-	
35/416	Babu Prabh Singh Canadian	21-05-91	Bikhiwind 49/91	Pradeep Singh Insp.	KS-36/91	Firearm injuries.	
36/422	Kashmir Sing R/o Kotli Nazir Pur	26-05-91	Sadar T T 57/91	ASI Major Singh	GSD-37/91	Police encounter	

**LIST OF UN IDENTIFIED DEAD BODIES DIED
DUE TO POLICE/ PARA MILITARY FORCES ENCOUNTER AND CREMATED BY PUNJAB POLICE.
POLICE DISTRICT: TARN TARAN, PUNJAB**

SL No.	Date of Cremation	Police Stationn. & FIR No.	Police Officer Giving Requisition for Cremation	Post Mortem Report No	Cause of Death
1/3	08.10.1984	Bhikiwind 412/84	SHO	9/84	Police encounter.
2/10	01.07.1987	Jhabal	Shingara Singh HC	RK-1/87	Police encounter.
3/12	19.03.1987	Sadar T.T 50/87	ASI, Joginder Singh	VSS-68/87	Fire arm injury.
4/13	16.06.1987	Sadar T.T 91/87	Asi Lakhmir Singh	25 PRS/ 87	Fire arm injury.
5/14	16.06.1987	Sadar T.T 91/87	ASI Lakhmir Singh	26 PRS/87	Fire arm injury.
6/15	23.08.1987	Sadar T.T 115/87	ASI Joginder Singh	AKN-7/87	Fire arm injury.
7/16	08.10.1987	Sarhali 201/87	HC Surat Singh	49/PRS/87	Fire arm injury.
8/19	01.11.1987	Jhabal 237/87	SHO	KS-36/87	Fire arm injury.
9/20	01.11.1987	Jhabal 237/87	SHO	KS-37/87	Fire arm injury.
10/22	02.12.1987	Patti 172/87	SHO	VKA-9/87	Fire arm injury.
11/23	02.12.1983	Patti 172/87	SHO	VKA-10/87	Fire arm injury.
12/25	13.01.1988	Khemkaran 4/88	SI Harbhajan Singh	13.1.1988	Not available.
13/26	21-01-1988	Sarhalli 9/88	Insp. SHO Darshan Singh	PS-7/88	Fire arm injury.
14/27	21.01.1988	Sarhalli 9/88	-do-	PS 8/88	Fire arm injury.
15/29	01.03.1988	Jhabal 34/88	ASI Ram Nath	AK-12/88	Fire arm injury.
16/30	28.03.1988	Khemkaran 27/88	SI Harbhajan Singh	28.3.88	Fire arm injury.
17/31	25.04.1988	Khemkaran 35/88	SI Harbhajan Singh	24.4.88	Not available.
18/36	19.05.1988	Verowal 87/88	Asi Gulzar Chand	PS-39/88	Fire arm injuries.
19/37	19.05.1988	Verowal 87/88	-do-	PS-40/88	Fire arm injuries.
20/38	22.05.1988	Khemkaran 46/88	SI Harbhajan Singh	-	Not available.
21/39	13.06.1988	Khalra 82/88	HC Kulwant Singh	SLG-28/88	Fire arm injuries.
22/40	23.07.1988	Sadar T.T 90/88	SHO Mohinderpal Singh	PS-50/88	Fire arm injuries.

23/59	26.07.1988	Khemkaran 62/88	SI Harbhajan Singh	VKA-89/88	Firearm injuries.
24/59	13.12.1988	Khalra 139/88	ASI Gurdeep Singh	13.12.88	Bullet injuries.
25/60	19.12.1988	Jhabal 135/88	ASI Harbhajan Singh	SS-34/88	BSF Encounter.
26/61	19.12.1988	Jhabal 135/88	-do-	SS-35/88	BSF Encounter.
27/62	19.12.1988	Jhabal 135/88	-do-	SS-36/88	BSF Encounter.
28/63	19.12.1988	Jabal 135/88	-do-	SS-37/88	BSF Encounter.
29/67	29.12.1988	Valtoha163/88	Mohinder Singh SI/SHO	-	Encounter.
30/69	13.02.1989	Khemkaran 13/89	SI Harbhajan Singh	18/89	Fire arm injuries.
31/71	28.03.1989	Jhabal	SI Jagdeep Singh	HSG-8/89	Police encounter.
32/72	28.03.1989	Jhabal	-do-	HSG-9/89	Police encounter.
33/73	28.03.1989	Jhabal	-do-	HSG-10/89	Police encounter.
34/74	04.05.1989	Verawal 59/89	ASI Joginder Singh	-	Bullet injuries.
35/83	10.06.1989	Khemkarana 44/89	ASI Ram Swaroop	VKA-34/89	Fire arm injuries.
36/84	10.06.1989	Khemkaran 44/89	-do-	VKS-35/89	Fire arm injuries.
37/85	11.06.1989	Patti 100/89	SI Harbhajan Singh	-	Police encounter.
38/86	11.06.1989	Patti 100/89	-do-	-	Police encounter.
39/87	17.06.1989	Bikiwind 45/89	SHO Paramjit Singh	VKA-42/89	Not available.
40/88	18.06.1989	Sirhali 98/89	HC Hardyal Singh	AK-25/89	Bullet injuries.
41/89	21.06.1989	Verawal 87/89	ASI Joginder Singh	AK-27/89	Fire arm injuries.
42/90	24.06.1989	Sadar T. T 48/89	SI/SHO Surinder Singh	PS-22/89	Fire arm injuries.
43/91	24.06.1989	Sadar T. T 48/89	-do-	PS-21/89	Fire arm injuries.
44/91	24.06.1989	CIA T. T 1Q1/89	SI Sucha Singh	KS-10/89	Fire arm injuries.
45/93	25.06.1989	Jhabal 68/89	ASI Singara Singh	KS-11/89	Police encounter.
46/94	25.06.1989	Jhabal 68/89	-do-	KS-12/89	Police encounter.
47/95	25.06.1989	Jhabal 68/89	-do-	KS-13/89	Police encounter.
48/96	25.06.1989	Jhabal 68/89	-do-	KS-14/89	Police encounter.
49/89	25.06.1989	Jhabal 68.89	-do-	KS-15/89	Police encounter.
50/98	03.07.1989	Harike 51/89	SHO	VKA-51/89	Fire arm injuries.
51/101	12.07.1989	Khalra 63/89	Baljinder Singh HC 2737	VKA-57/89	Fire arm injuries.
52/102	12.07.1989	Khalra 63/89	-do-	VKA-57/89	Police encounter.

53/103	12.07.1989	Khalra 63/89	Baljinder Singh HC 2737	VKA-58/89	Police encounter.
54/104	12.07.1989	Khalra 63/89	-do-	BSV-10/89	Police encounter.
55/105	12.07.1989	Khalra 63/89	-do-	BSV-11/89	Police encounter.
56/106	12.07.1989	Khalra 63/89	-do-	BSV-12/89	Police encounter.
57/111	28.07.1989	Sirahli 122/89	SHO Surinder Singh	AK-39/89	Police encounter.
58/112	28.07.1989	Sirhali 122/89	SHO Surinder Singh	AK-49/89	Police encounter.
59/116	08.08.1989	Valtoha 82/89	SHO Ram Nath	VKA-67/89	Fire arm injuries.
60/118	09.08.1989	Khemkaran 75/89	SI Harbhajan Singh	VKA-68/89	Fire arm injuries.
61/119	09.08.1989	Khemkaran 75/89	-do-	VKA-69/89	Fire arm injuries.
62/123	11.08.1989	Harike	SHO	VKA-75/89	Fire arm injuries.
63/124	17.08.1989	Jhabal	SI Major Singh	KS-024/89	Police encounter.
64/126	21.08.1989	Jhabal	ASI Shingara Singh	KS-28/89	Fire arm injuries.
65/127	23.08.1989	Sadar T.T 74/89	SHO	PS-46/89	Police encounter.
66/128	24.08.1989	Khalra	SHO Resham Singh	SLG-124/89	Fire arm injuries.
67/132	05.09.1989	Jhabal 104/89	SHO Major Singh	KS-32/89	Police encounter.
68/133	05.09.1989	Jhabal 104/89	-do-	KS-33/89	Police encounter.
69/134	05.09.1989	Jhabal 104/89	-do-	KS-34/89	Fire arm injuries.
70/136	14.09.1989	Khalra 100/89	SHO Resham Singh	SLG-136/89	Fire arm injuries.
71/137	14.09.1989	Khalra 100/89	-do-	SLG-137/89	Fire arm injuries.
72/138	14.09.1989	Khalra 100/89	-do-	SLG-138/89	Fire arm injuries.
73/139	14.09.1989	Khalra 100/89	-do-	SLG-139/89	Fire arm injuries.
74/140	20.09.1989	Sirhali 140/89	SHO Surinder Singh	PS-51/89	Fire arm injuries.
75/141	20.09.1989	Sirhali 140/89	-do-	PS-50/89	Fire arm injuries.
76/142	03.10.1989	Jhabal 117/89	HC Jaswant Singh	AK-69/89	Police encounter.
77/143	03.10.1989	Jhabal 117/89	-do-	AK-70/89	Police encounter.
78/144	12.10.1989	Sadar T.T 87/89	ASI Mohinder Singh	KS-56/89	Police encounter.
79/146	18.10.1989	Jhabal 132/89	SI/SHO	KS-57/89	Fire arm injuries.
80/153	02.11.1989	Bikwind 77/89	SI Gursharan Singh	RKS-26/89	Police encounter.
81/155	13.12.1989	Verowal 164/89	ASI Mohinder Singh	SS-24/89	-
82/157	08.01.1990	Valtoha 2/90	HC Ajeet Singh	SLG-5/90	Fire arm injuries.

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